United Nations A/54/863

General Assembly

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Fifty-fourth session
Agenda item 31
Cooperation between the United Nations and the Organization of African Unity

Letter dated 5 May 2000 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General*

I have the honour to transmit to you herewith the communiqué issued by Mr. Abdelaziz Bouteflika, current Chairman of the Organization of African Unity (OAU), concerning the proximity talks on the conflict between Ethiopia and Eritrea which have just adjourned in Algiers (see annex).

I should be grateful if you would have this letter and its annex issued as a document of the General Assembly under agenda item 31.

(*Signed*) Abdallah **Baali**
Ambassador
Permanent Representative

* Also circulated under the symbol S/2000/394.

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Annex to the letter dated 5 May 2000 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General

Communiqué issued by the office of the current Chairman of OAU concerning the indirect talks between Ethiopia and Eritrea held in Algiers

1. At the invitation of His Excellency Mr. Abdelaziz Bouteflika, President of the People's Democratic Republic of Algeria and current Chairman of OAU, indirect talks were held in Algiers from 29 April to 5 May 2000, with the participation of the delegations of Ethiopia and Eritrea, headed by their respective Ministers for Foreign Affairs, Mr. Seyoum Mesfin and Mr. Haile Woldensae.

2. The indirect talks were led by Mr. Ahmed Ouyahia, Special Envoy of the current Chairman, with the participation of Mr. Djinit, Assistant Secretary-General of OAU. This peace effort also had the support of the United States of America, represented by a delegation comprising Ms. Susan Rice, Assistant Secretary of State for African Affairs, and Mr. Anthony Lake, former National Security Advisor, and of the European Union, through Ambassador Melani, assistant to Mr. Serri, its Special Representative, who subsequently joined the talks in person.

3. The aim of the indirect talks held at Algiers was to enable the two parties to reach an agreement on "consolidated technical arrangements" which would lead to the implementation of the plan for the peaceful settlement of the conflict between Ethiopia and Eritrea, as contained in the Framework Agreement and the Modalities accepted by the two parties and endorsed by the OAU Summit held in Algiers last July.

4. In this connection, it is useful to start by recapitulating the various developments in the OAU peace effort since the holding of the thirty-fifth OAU Summit in Algiers last July.

A. On his first stay in the region, from 22 to 25 July 1999, the Special Envoy of the current Chairman of OAU appealed to the two parties to sign the Framework Agreement and the Modalities and thus to move on to their implementation.

However, Ethiopia responded that the signing could take place only after the details of the implementation process had been finalized. It requested OAU to work out those details and to submit them to the two parties as a non-negotiable document.

Eritrea, which wanted to proceed immediately with the signing of the Framework Agreement and the Modalities, did not raise objections to the prior submission of the final details by OAU. It also agreed that the document in question should be regarded as non-negotiable.

B. In early August 1999, OAU, with the assistance of the United Nations (which was to support the implementation of the peace plan), drafted a document entitled "Technical Arrangements" containing the requested details. These Technical Arrangements were presented to the two parties by the Special Envoy of the current Chairman of OAU between 5 and 10 August 1999.

Eritrea officially announced its acceptance of the Technical Arrangements. Ethiopia, for its part, raised objections to certain points which it felt differed from the content of the Framework Agreement and the Modalities; it also requested clarification of those points.

C. The clarifications requested by Ethiopia were drafted by OAU, again with the assistance of the United Nations. During a further visit to the region in late August, the Special Envoy of the current Chairman of OAU presented these clarifications to Ethiopia and also communicated them to Eritrea. Ethiopia stated that this response was not entirely satisfactory and requested time to reflect.

D. A further visit to the region by the Special Envoy of the current Chairman of OAU in late October failed to advance the situation. However, Ethiopia was asked to put its views on the Technical Arrangements in writing so that OAU could consider them. Eritrea was informed of this situation.

E. In late November, Ethiopia sent OAU a memorandum containing its views on the Technical Arrangements. OAU then held talks with Ethiopia to determine what vision of those Arrangements would be

acceptable to it. That vision was set forth in a preparatory document referred to as a "non-paper".

F. Between 24 February and 4 March 2000, the Special Envoy of the current Chairman of OAU again visited the region.

On that occasion, he noted that the content of the non-paper reflected accurately the views acceptable to Ethiopia and informed that party that he was going to ask Eritrea to agree to take part in further talks leading to mutually acceptable "consolidated technical arrangements".

This proposal was presented to Eritrea which, after lengthy discussions, agreed in principle to take part in proximity talks.

Ethiopia also agreed in principle to take part in proximity talks.

This latest progress in the peace process was announced in the communiqué issued by OAU on 5 March 2000, which also noted the existence of points of convergence between the parties on the content of the Technical Arrangements and announced that the purpose of proximity talks was to resolve points of disagreement.

The points of convergence between the parties noted by OAU included the following:

(a) Confirmation of acceptance of the Framework Agreement and the Modalities and of the fact that the consolidated technical arrangements should reflect the content of those two documents, which had been endorsed by the OAU Summit in Algiers;

(b) The fact that any interpretation of the Framework Agreement and the Modalities must be the sole responsibility of OAU;

(c) The commitments which the two parties will make once they have arrived at a cessation of hostilities (cessation of all land, air or sea attacks, cessation of any other action likely to hinder the implementation of the peace plan, guarantees of freedom of movement and protection of international military observers, respect for the rules of international humanitarian law);

(d) The agreement of the two parties to entrust to a neutral commission the task of verifying the territories from which each of the parties will have to withdraw its forces and where each party will restore its civilian administration as part of the process of returning to the situation prevailing on 6 May 1998, in accordance with the Modalities (agreement has still to be reached on other aspects of this process);

(e) Once implementation has begun, the necessary time-frames for the redeployment of troops and the restoration of the civilian administration as provided for in the Modalities;

(f) The fact that neither the verification of territories nor the redeployment of troops nor the restoration of the civilian administration will prejudge the final status of the territories concerned; that status will be determined in the context of the delimitation of the international border between the two countries;

(g) The procedures which will have to guide the delimitation and demarcation of the international border by the United Nations Cartographic Unit (whose work will be conducted impartially and transparently), as well as the procedures for setting up the arbitration mechanism which will have to settle any disputes related to this operation. The same applies to the recognized right of each party to submit to the Cartographic Unit any information in its possession, including documents and oral statements, and the right to comment on the results of the Unit's work.

5. As can be seen from this recapitulation, the aim of the indirect talks held in Algiers was to help the two parties arrive at consolidated technical arrangements, starting from positions acceptable to each of them; for Eritrea, such positions are those set forth in the Technical Arrangements while, for Ethiopia, they are those set forth in the non-paper.

6. The indirect talks were also to start with major points of convergence between the parties. Lastly, as with any peaceful settlement requiring the agreement of the two parties, the aim of the talks was to enable the parties to reach agreement on consolidated technical arrangements or else to give OAU an opportunity to help them identify acceptable compromises which are consistent with the terms of the Framework Agreement and the Modalities, which remain the basic elements of the settlement plan.

7. Unfortunately, these substantive talks could not take place because Eritrea called for the prior signing of the Framework Agreement, the Modalities and a ceasefire agreement, while Ethiopia maintained its July

1999 position, namely, that those documents could not be signed until the technical arrangements had been finalized. All the efforts made by the Special Envoy of the current Chairman of OAU, with the support of the representatives of the United States and the European Union, failed to soften the positions of either Ethiopia or Eritrea. As a result, the indirect talks had to be adjourned after a week of efforts.

8. At the final meetings held on 5 May with each of the two delegations, the Special Envoy of the current Chairman of OAU conveyed to them the profound concern of OAU at this latest impasse.

He requested the delegation of Ethiopia and the delegation of Eritrea to transmit to their highest national authorities the urgent appeal of the current Chairman of OAU, on behalf of all Africa, to show restraint, to re-evaluate their position in the light of the current impasse and, lastly, to agree to send their delegations at a later date for indirect talks which would tackle the substance of the remaining problems, in other words, finalize consolidated technical arrangements consistent with the Framework Agreement and the Modalities and thus permit the implementation of the peace plan endorsed by OAU and the United Nations with a view to the peaceful definitive settlement of the fratricidal conflict between the two countries.

The Special Envoy of the current Chairman of OAU also reminded the two parties that OAU, the United Nations and the partners supporting the peace process have undertaken to monitor closely and to uphold the faithful implementation of the plan for the settlement of the conflict between Ethiopia and Eritrea.

This same appeal and undertaking were reiterated to each of the parties by the United States delegation and the European Union delegation, which were in Algiers to support the efforts of OAU.

9. On behalf of His Excellency Mr. Abdelaziz Bouteflika, President of the People's Democratic Republic of Algeria and current Chairman of OAU, his Special Envoy expressed his sincere thanks to the representatives of the United States and the European Union for all the support which they continue to extend to the peace efforts made by OAU with a view to the peaceful settlement of the conflict between Ethiopia and Eritrea.

Algiers, 5 May 2000

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Fifty-fourth session
Agenda items 121 and 49 (b)

Programme budget for the biennium 2000-2001

United Nations reform: measures and proposals: the Millennium Assembly of the United Nations

Organization of the list of speakers and the round tables for the Millennium Summit

Programme budget implications of draft resolution A/54/L.83/Rev.1

Report of the Fifth Committee

Rapporteur: Mr. Jan Piotr **Jaremczuk** (Poland)

1. At its 61st and 62nd meetings, on 9 and 10 May 2000, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/54/60) of the programme budget implications of draft resolution A/54/L.83/Rev.1. The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by the Chairman of the Advisory Committee (see A/C.5/54/SR.61).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the relevant summary records (see A/C.5/54/SR.61 and 62).

Decision of the Fifth Committee

3. The Fifth Committee reaffirmed General Assembly resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987 and decided to inform the General Assembly that the adoption of draft resolution A/54/L.83/Rev.1 would give rise to an estimated requirement under the programme budget for the biennium 2000-2001 not exceeding $1,401,600. Such appropriation, as recommended by the Advisory Committee on Administrative and Budgetary Questions, would be subject to the use and operation of the contingency fund. The Fifth Committee further decided to reconsider this question before the end of the second part of its resumed session.

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Fifty-fourth session
Agenda item 149
Financing of the United Nations Mission in the Central African Republic

Financing of the United Nations Mission in the Central African Republic

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the financial performance of the United Nations Mission in the Central African Republic (MINURCA) for the period from 1 July 1998 to 30 June 1999 (A/54/851) and the revised budget of MINURCA for the period from 1 July 1999 to 30 June 2000 (A/54/857). During its consideration of the reports, the Committee met with representatives of the Secretary-General, who provided additional information.

Financial performance report for the period from 1 July 1998 to 30 June 1999

2. By its resolutions 52/249 of 26 June 1998 and 53/238 of 8 June 1999, the General Assembly appropriated a total amount of $63,415,650 gross ($62,230,050 net) for the period from 1 July 1998 to 30 June 1999, excluding voluntary contributions in kind of $2,863,300. As indicated in table 1 and annexes I and II of the report of the Secretary-General in document A/54/851, expenditure for the same period amounted to $60,221,750 gross ($58,991,500 net), resulting in an unencumbered balance of $3,193,900 gross ($3,238,550 net).

3. The unencumbered balance was attributable primarily to the lower deployment levels of military personnel ($542,700) and civilian personnel ($1,240,800) and reduced operational requirements under premises/accommodation ($333,300), air operations ($1,051,900) and other equipment ($285,700).

4. With regard to the status of reimbursement of troop-contributing Member States, the Committee was informed that troop costs in the amount of $28.6 million had been reimbursed up to 31 December 1999, while the amount owed was $1.0 million for the period from 1 January to 11 March 2000. With regard to reimbursement for contingent-owned equipment, the amount of $96,300 had been

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reimbursed as at 30 April 2000, the estimated amount owed was $10.0 million as at 31 March 2000 and unliquidated obligations for contingent-owned equipment amounted to $7.9 million. For death and disability compensation, two claims paid amounted to $100,000 and unliquidated claims for one pending claim amounted to $596,100, as at 30 April 2000.

5. The Committee was informed that as at 1 May 2000, the cash position amounted to $5.9 million and current loans amounted to $17.2 million. As at 15 April 2000, assessments amounted to $113.8 million, payments received totalled $77.2 million and amounts outstanding were at $36.6 million. Total unliquidated obligations for the period from 1 July 1998 to 30 June 1999 were $9.2 million as at 30 April 2000.

6. **The action to be taken by the General Assembly at its fifty-fourth session in connection with the financing of MINURCA is to decide on the treatment of the unencumbered balance of $3,193,900 gross ($3,238,500 net) for the period from 1 July 1998 to 30 June 1999. The Committee recommends that the unencumbered balance of $3,193,900 gross ($3,238,500 net) for the period from 1 July 1998 to 30 June 1999 be credited to Member States in a manner to be decided by the General Assembly.**

Revised budget of MINURCA for the period from 1 July 1999 to 30 June 2000

7. As indicated in paragraph 2 of the report of the Secretary-General (A/54/857), the revised budget for MINURCA for the period from 1 July 1999 to 30 June 2000 amounts to $41,098,075 gross ($40,069,275 net), excluding voluntary contributions in kind of $736,300 and representing an increase of 23 per cent ($7,730,200 gross), when compared with the original budget for the same period and reflects the absorption of the commitment authority of $6,701,900 granted by the Advisory Committee (see para. 9 below).

8. By its resolution 53/238 of 8 June 1999, the General Assembly appropriated an amount of $33,367,875 gross ($32,572,675 net) for the maintenance of MINURCA for the period from 1 July to 15 November 1999 and its subsequent liquidation, inclusive of an amount of $1,659,640 for the support account for peacekeeping operations and $325,435 for the United Nations Logistics Base at Brindisi.

9. In a letter dated 14 July 1999 from the Chairman of the Advisory Committee to the Secretary-General, the Advisory Committee concurred with the request of the Secretary-General to enter into commitments in an amount not exceeding $6,701,900 in order to meet the estimated additional cost of MINURCA's support for the conduct of presidential elections in the Central African Republic.

10. The Security Council, by its resolution 1271 (1999) of 22 October 1999, extended the mandate of MINURCA until 15 February 2000.

11. The Committee notes from paragraph 2 of the report of the Secretary-General (A/54/857) that projected requirements for the continuation of liquidation activities at the United Nations Headquarters in New York for the period from 1 July 2000 to 30 June 2001 are estimated at $115,800 gross ($102,800 net).

12. The action to be taken by the General Assembly at its fifty-fourth session in connection with the financing of MINURCA are set out in paragraph 11 of the report of the Secretary-General in document A/54/857. **The Committee recommends that**

the General Assembly appropriate and assess the additional amount of $7,730,200 gross ($7,496,600 net), for the Mission for the 12-month period from 1 July 1999 to 30 June 2000, inclusive of the commitment authority of $6,701,900 granted by the Advisory Committee. The Committee also recommends that the General Assembly appropriate the amount of $115,800 gross ($102,800 net) for the period from 1 July 2000 to 30 June 2001. In view of the financial data contained in paragraphs 4 and 5 above, the Committee is of the opinion that an assessment in this case is not necessary at this stage.

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Agenda item 129
Financing of the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola

Measures taken to improve procurement activities in the field

Report of the Secretary-General

Summary

The present report is prepared in response to General Assembly resolution 54/17 of 29 October 1999, entitled "Financing of the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola", in which the Assembly called upon the Secretary-General to provide additional information on the measures being taken by the Secretariat to further improve procurement activities in the field and to enhance control and accountability, within the context of the report on management irregularities causing financial losses to the Organization, as requested by the Assembly in its resolution 53/225 of 8 June 1999. The report provides observations on the outcome of the procurement audits in Angola and summarizes ongoing efforts by the Administration to strengthen procurement activities in the field.

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I. Introduction

1. As a result of the findings and recommendations of the Office of Internal Oversight Services on the audits of the procurement process in the United Nations Angola Verification Mission (UNAVEM) (A/52/881, annex), the General Assembly, in its resolution 54/17, requested the Secretary-General to provide additional information on the measures being taken by the Secretariat to further improve procurement activities in the field and to enhance control and accountability, within the context of the report on management irregularities causing financial losses to the Organization, as requested by the Assembly in its resolution 53/225. The Assembly also requested the Secretary-General to submit to it a report prior to the second part of its resumed fifty-fourth session providing a concrete plan to correct procurement-related problems in peacekeeping operations, which should include the following: (a) all remedial measures taken to address problems identified with regard to the United Nations Observer Mission in Angola and other peacekeeping operations; (b) standardization of the corrective measures that have already been taken for all existing and future peacekeeping operations; and (c) a description of how accountability was pursued in the cases of individuals who were found to have engaged in fraud, mismanagement or abuse, and how accountability measures will be applied in the future. These interrelated aspects are being addressed jointly below.

II. General observations

2. In its report on the procurement audits in Angola (A/52/881, annex), the Office of Internal Oversight Services raised serious concerns about management deficiencies in the procurement process of UNAVEM. As a result, the General Assembly requested the Secretary-General to address the issues raised by the report with regard to weaknesses in the procurement process in Angola.

3. In his comprehensive response (A/53/1018), the Secretary-General stressed that the audit findings had received full attention at Headquarters and at the field level, and that action had been taken to remedy the weaknesses identified by the Office of Internal Oversight Services. This included measures for strengthening compliance with procurement procedures, the reorganization of the UNAVEM Procurement Section in 1996 and the assignment of experienced personnel to key positions. The Secretary-General noted that although no evidence of fraud or financial loss had been detected in Angola, weaknesses in the procurement process must be addressed decisively.

4. Of particular concern in that context was the $6.9 million procurement of quartering area equipment by UNAVEM. This case was included among the findings of the report of the Office of Internal Oversight Services, but subsequently became the subject of a separate investigation by the Office (see A/54/548). The Secretariat worked closely with the Office to ensure that responsibility for any misconduct or financial loss would be clearly assigned and pursued. In the end, the investigation found no evidence of fraud or financial loss. While disciplinary proceedings were therefore not required, the report identified weaknesses in the procurement of those goods and provided useful recommendations for improvement, which were endorsed by the Secretariat.

III. Strengthening of Field Procurement

6. Procurement in peacekeeping operations is characterized by the urgency and volume of goods required to support the rapid deployment of a large number of military and civilian personnel to a difficult environment. Therefore, the Secretariat has steadily pursued means of strengthening procurement processes and initiated, in this context, an in-depth review of the United Nations procurement system in 1994. The outcome was described in the reports of the Secretary-General on the implementation of procurement reform in the Secretariat (A/C.5/49/67 and A/C.5/50/13). Since then, additional reports on the strengthening of field procurement have been submitted to the General Assembly (A/C.5/50/13/Rev.1, A/C.5/51/9, A/52/534 and Corr.1, and A/53/271 and Corr.1). Reform measures implemented during this period include the introduction of procurement planning on the basis of the annual budget cycle, the initiation of preparatory processes in advance of commitment authority enhanced delegation of authority, and new arrangements governing contingent-owned equipment and self-sustainment that reduce the amount of direct support to be provided by the United Nations.

7. A particularly effective measure was the recent introduction of start-up kits for new missions as a first-line procurement support mechanism. Under this arrangement, the most frequently used items are kept in reserve at the United Nations Logistics Base at Brindisi, Italy, and are shipped as a package to missions during their inception or expansion. The General Assembly, in its resolution 52/1 B of 26 June 1998, authorized the maintenance of two start-up kits. The Secretariat has also tried to consolidate most of its generic requirements under systems contracts, both at Headquarters and in the field, including for rations, light vehicles and medium-sized vehicles, generators, communication and data-processing equipment and hard-wall containers, among other items. The expanded use of systems contracts has led to reductions in procurement price and lead times, as well as in the number of ex post facto cases submitted to the Committee on Contracts. In this context, the Secretariat is increasing the practice of sharing systems contracts with other United Nations agencies and programmes as part of the Secretary-General's initiative for the implementation of common services. For example, the use of the World Food Programme's systems contract for furniture and stationery facilitated the start-up of the United Nations Interim Administration Mission in Kosovo.

8. As part of ongoing efforts to strengthen human resources, the Secretariat is currently designing a comprehensive procurement training programme that will target field procurement and contract administration personnel. Classes are scheduled to commence in mid-May 2000. Staff from the Field Administration and Logistics Division of the Department of Peacekeeping Operations are also deployed more frequently to missions at short notice during the start-up phase. Among other benefits, their presence helps to establish the basis for a sound administrative structure from the beginning of the mission. This approach is complemented by a system of rapid deployment of pre-selected personnel, using the expertise of all parts of the United Nations system and of the Member States, as described in the report of the Secretary-General on the support account for peacekeeping operations (A/54/800).

IV. Conclusion

9. The sharp increase in the number and complexity of peacekeeping operations in the early 1990s caught the United Nations procurement system unprepared to meet the new challenges, in terms of both its organizational structure and its human resources capacity. In addition, the expansion of peacekeeping operations was accompanied by an increase in the complexity of mandates, ranging from ceasefire monitoring and truce observation to the inclusion of electoral support, human rights monitoring, demobilization and civilian police training. These factors, coupled with a procurement system designed in the early days of the Organization, contributed to the problems experienced in Angola. While the audits and investigations did not reveal any severe misconduct in UNAVEM, as was originally feared, the Secretariat recognizes the importance of addressing procedural and systemic weaknesses in order to prevent any opportunity for misuse of United Nations resources. Therefore, much has been done to make the procurement system more responsive to the requirements of peacekeeping operations and to ensure transparency and accountability at all stages of the process. In the context of the current expansion of peacekeeping operations and the broadening of their mandates, the Secretariat must redouble its efforts to ensure that the noticeable improvements made in recent years are transformed into permanent gains.

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Agenda item 31
Cooperation between the United Nations and the Organization of African Unity

Security Council
Fifty-fifth year

Identical letters dated 12 May 2000 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to transmit to you herewith the communiqué issued today by Mr. Abdelaziz Bouteflika, current Chairman of the Organization of African Unity (OAU), following the resumption of fighting between Ethiopia and Eritrea (see annex).

I should be grateful if you would have this letter and its annex distributed as a document of the General Assembly, under agenda item 31, and of the Security Council.

(*Signed*) Abdallah **Baali**
Ambassador
Permanent Representative

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Annex to the identical letters dated 12 May 2000 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General and to the President of the Security Council

Communiqué issued by the office of the current Chairman of the Organization of African Unity following the resumption of fighting between Ethiopia and Eritrea

It is with profound concern that the office of the current Chairman of the Organization of African Unity (OAU) has learnt today of the resumption of fighting between Ethiopia and Eritrea. These regrettable developments, coming as they do after intense efforts by OAU to secure the implementation of a peaceful, lasting settlement of this fratricidal conflict, will naturally meet with the profound disapproval of Africa and of the international community as a whole.

The office of the current Chairman of OAU wishes to recall that, since the thirty-fifth regular session of the Conference of Heads of State and Government, it has worked with perseverance and determination and with the active support of its partners to encourage Ethiopia and Eritrea to commit themselves resolutely to completing the framework for a peaceful settlement of this conflict and to its early, comprehensive implementation.

At the time, the two parties' acceptance of the Framework Agreement and the Modalities endorsed by the thirty-fifth Summit in Algiers in July 1999 had aroused hope and optimism that there would be a speedy, peaceful and definitive settlement of the dispute.

It is true that, despite eight months of painstaking, patient efforts to achieve such an outcome, the Framework Agreement and the Modalities have still not been implemented. However, as the communiqué issued by the office of the current Chairman of OAU on 5 May (S/2000/394) indicated, there are now many points of convergence between the two parties as to the process for implementing the peace plan which they have already accepted.

It is in this context that on 5 May 2000 the current Chairman of OAU addressed messages to President Isaias Afwerki of Eritrea and Prime Minister Meles Zenawi of Ethiopia, appealing to them to show restraint and to continue the talks aimed at fulfilling all the conditions necessary for the implementation of the peace plan. The content of this appeal was also brought to the attention of the Heads of State and Government of the States members of OAU and of the Secretaries-General of the United Nations and OAU. Unfortunately, the use of force has replaced dialogue and negotiation.

In view of these developments, which could have grave, unforeseen consequences both for the two countries and for the stability of the whole region, the office of the current Chairman of OAU, on behalf of Africa, its peoples and its leaders, addresses a pressing, urgent appeal to the Ethiopian and Eritrean Governments to end the hostilities immediately and unconditionally, so as to spare the fraternal Ethiopian and Eritrean peoples suffering and destruction and allow the peace efforts to continue with a view to a peaceful settlement of the conflict in accordance with the Framework Agreement and the Modalities.

The office of the Current Chairman of OAU appeals to the international community to add its voice and efforts to those of Africa to bring about an immediate cessation of the fighting between Ethiopia and Eritrea, so that OAU can pursue its peace effort to secure the implementation of the Framework Agreement and the Modalities.

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Agenda items 12 and 121

Report of the Economic and Social Council

Programme budget for the biennium 2000-2001

Analysis of the organizational structure and the personnel and technical resources of the Non-Governmental Organizations Section of the United Nations Secretariat

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the analysis of the organizational structure and the personnel and technical resources of the Non-Governmental Organizations Section of the United Nations Secretariat (A/54/520/Add.1). The report was submitted pursuant to resolution 54/249, paragraph 93, in which the General Assembly requested the Secretary-General to submit a report to the Assembly at its fifty-fourth session on the administrative and financial issues concerning the Non-Governmental Organizations Section, in particular with regard to the number and level of posts in that Section.

2. The report is a supplement to the earlier report on the same subject which was submitted to the General Assembly in document A/54/520, describing in detail the activities of the Section and the significant increase in its workload and level of responsibility. During the consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information.

3. As indicated in paragraphs 3 and 4 of document A/54/520/Add.1, the staffing resources of the Section funded from the regular budget include five Professional (one D-1, two P-4, one P-3 and one P-2) and four General Service posts, equivalent to approximately 108 work-months annually, of which 60 are at the Professional level and 48 at the General Service level. In addition, the Section uses the services of volunteers on a regular basis, equivalent to approximately 60 work-months annually (20 work-months at the Professional level and 40 at the General Service level). The Advisory Committee was informed that volunteers include United Nations interns, assigned to the Section but administered centrally by the Office of Human Resources Management, and volunteers from non-governmental

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organizations (NGOs), assisting in various administrative support activities. In order to achieve a better balance between available and required staff resources and between permanent staff and volunteers, it is proposed to establish one new Professional post at the P-4 level and one General Service post.

4. The Advisory Committee is aware of both the level of responsibility of the NGO Section and its increased workload in the light of the current number of NGOs in consultative status with the Economic and Social Council. The Committee has also noted that the number of meetings originally projected for the Committee on Non-Governmental Organizations, in the programme budget for the biennium 2000-2001, has already doubled (A/54/657, para. 2). **The Committee, therefore, does not have any objection to the proposed establishment of two additional posts (one P-4 and one General Service) in the Section. However, in the light of the circumstances noted below, the Committee recommends that these two new posts be established on a temporary basis in the biennium 2000-2001 and that the proposal be resubmitted in the context of the proposed programme budget for the biennium 2002-2003.**

5. **The Advisory Committee recalls its views in paragraph 4 of its report in document A/54/657 that proposals to strengthen the capacity of the NGO Section had been procedurally mishandled by the Secretariat and that there was a lack of coordination between Secretariat units. The Committee regrets the submission of proposals to strengthen the capacity of the NGO Section on a piecemeal basis.**

6. **The Advisory Committee reiterates its view, as indicated in paragraphs IV.10 and IV.11 of its first report on the proposed programme budget for the biennium 1998-1999,[1] as approved by the General Assembly in its resolution 52/220, and as indicated again in paragraph IV.16 of its first report on the proposed programme budget for the biennium 2000-2001,[2] that the Secretariat should submit a comprehensive report on the administrative and management implications of the large increase in NGOs involved in the work of the United Nations, in particular on the impact of this growth on the United Nations programme budget. The report would allow the Committee to ascertain the extent to which optimum use is made of current resources as well as to evaluate such additional resources as may be proposed for the various units of the Secretariat working with NGOs.**

Notes

[1] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 7* (A/52/7/Rev.1).

2 Ibid., *Fifty-fourth Session, Supplement No. 7* (A/54/7).

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Fifty-fourth session
Agenda item 130 (a)
Financing of the activities arising from Security Council resolution 687 (1991): United Nations Iraq-Kuwait Observation Mission

Report of the Board of Auditors on the special audit of the United Nations Iraq-Kuwait Observation Mission

Note by the Secretary-General

I have the honour to transmit to the General Assembly, pursuant to a request contained in its resolution 54/18 of 29 October 1999, a letter dated 16 May 2000 from the Chairman of the Board of Auditors transmitting the report of the Board on the special audit of the United Nations Iraq-Kuwait Observation Mission.

00-43598 (E) 190500

Letter dated 16 May 2000 from the Chairman of the Board of Auditors addressed to the Secretary-General

I have the honour to transmit to you the following documents:

(a) The report of the Board of Auditors to the General Assembly on the special audit of the United Nations Iraq-Kuwait Observation Mission;

(b) The letter of transmittal to the President of the General Assembly.

(*Signed*) Sir John **Bourn**
Comptroller and Auditor General
of the United Kingdom of
Great Britain and Northern Ireland
and Chairman
United Nations Board of Auditors

Letter dated 16 May 2000 from the Chairman of the Board of Auditors addressed to the President of the General Assembly

I have the honour to present to you the report of the Board of Auditors to the General Assembly on the special audit of the United Nations Iraq-Kuwait Observation Mission.

(*Signed*) Sir John **Bourn**
Comptroller and Auditor General
of the United Kingdom of
Great Britain and Northern Ireland
and Chairman
United Nations Board of Auditors

Report of the Board of Auditors on the special audit of the United Nations Iraq-Kuwait Observation Mission

Summary

Pursuant to a request of the General Assembly contained in its resolution 54/18 of 29 October 1999, the Board of Auditors conducted an audit of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), focusing on the payment of mission subsistence allowance as a priority. This report covers issues arising from the administration and payment of mission subsistence allowance. The Board will report on other matters arising from the audit in its report on United Nations peacekeeping operations for the financial period ended 30 June 2000.

The Board determined that of the mission subsistence allowance overpayment totalling $851,093.50 made to 192 civilian international staff members from May 1991 to March 1996, an amount of $773,442.54 (91 per cent) had been recovered, leaving a balance of $77,650.96 outstanding as at 31 January 2000.

The Board noted that the overpayments had resulted from the failure of the Mission to adhere to instructions from the Department of Peacekeeping Operations and to implement an important recommendation of the Internal Audit Division regarding the application of mission subsistence allowance policies.

Between May 1991 and September 1996, UNIKOM paid mission subsistence allowance totalling $5,460,188.03 to 1,425 military observers. Of that amount, the payment of $3,792,098.03 was inconsistent with the established procedures, since the payments were made prior to the observers' accruing the entitlement or were based on a formula that differed from the established one. These irregularities did not result in any final overpayment since the amounts paid were eventually earned. The balance of $1,668,090 was paid in accordance with the Notes for the Guidance of Military Observers on Assignment that were in effect at the time of payment.

The Board recommended that, in future, the Department of Peacekeeping Operations ensure that missions comply with established procedures and in particular that they do not pay mission subsistence allowance prior to entitlements.

A summary of the Board's recommendations is contained in paragraph 9.

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I. Introduction and recommendations

1. The General Assembly, in its resolution 54/18 dated 29 October 1999, requested the Board of Auditors to undertake, as a matter of priority, a comprehensive audit of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) covering the question of the payment of mission subsistence allowance. The Board of Auditors carried out this audit during February and March 2000 at United Nations Headquarters and at the Mission in Umm Qasr.

2. In August 1993, the Internal Audit Division (now part of the Office of Internal Oversight Services) identified erroneous payments of mission subsistence allowance made to civilian staff by UNIKOM, and recommended that the Mission conduct a review and recover all mission subsistence allowance overpayments. The Mission did not implement the recommendation until August and September 1996, when it determined that the overpayment to international civilian staff totalled some $844,000. The overpayment was subsequently revised by the Administration to $867,263.50.

3. In three General Assembly resolutions and decisions on the matter (51/440 of 16 December 1996, 51/234 of 13 June 1997 and 52/238 of 26 June 1998), the Secretary-General was requested to recover the amounts overpaid. In its resolution 53/229 of 8 June 1999, the Assembly also requested the Secretary-General to submit a separate report on the overpayments, including the measures taken with respect to those responsible.

4. At the request of the Secretary-General, the Office of Internal Oversight Services, during February and May 1998, conducted a review of mission subsistence allowance overpayments by UNIKOM between 1991 and 1996. The audit focused on the causes of the alleged overpayment, which was estimated by the Administration at $6,327,451.53, including $867,263.50 to international civilian staff and $5,460,188.03 to military observers.

5. The appeals of civilian staff members brought before the United Nations judicial bodies, including the Administrative Tribunal, complaints submitted by the individual military observers and communications received from the Governments concerned had challenged the grounds for recovery of irregular payments of mission subsistence allowance. The Member States had specifically questioned the basis for extending to military observers policies and practices more appropriate for civilian personnel.

6. The Advisory Committee on Administrative and Budgetary Questions expressed concern that the amount of overpayment of mission subsistence allowance by UNIKOM had been revised several times in various reports of the Secretary-General. The Administration had informed the Advisory Committee that in a number of instances information provided to the Committee in the past was not correct (A/54/418, para. 2).

7. The Board's observations and conclusions were discussed with the Administration, whose views, where appropriate, have been reflected in the present report, which covers the administration and payment of mission subsistence allowance. Other issues arising from the audit, including accounts receivable, non-expendable property and procurement, have been raised in a management letter addressed to the Administration and, to the extent that the Board considers it necessary, they will be reported on to the General Assembly in the report of the Board of Auditors on United Nations peacekeeping operations for the financial period ending 30 June 2000.

8. A summary of the Board's main recommendations is reported in paragraph 9. The detailed findings are reported in paragraphs 10 to 30.

9. The Board's recommendations are that the Department of Peacekeeping Operations:

(a) Monitor peacekeeping missions closely to ensure that they implement audit recommendations and comply fully with instructions and established procedures (para. 17);

(b) Ensure that peacekeeping missions do not pay mission subsistence allowance in advance of entitlement (para. 20);

(c) Review, approve and regularly update the draft field administration manual to facilitate the proper administration of field activities (para. 28);

(d) Identify lessons learned from the cases highlighted in the present report and disseminate them to all peacekeeping missions (para. 29).

II. Detailed findings and recommendations

A. Overpayment of mission subsistence allowance to civilian staff

10. In August 1993, the Internal Audit Division conducted an audit of UNIKOM and noted erroneous payments of mission subsistence allowance to the civilian international staff from the inception of the Mission in April 1991. The audit disclosed that the civilian staff in UNIKOM had been paid mission subsistence allowance for weekends and holidays that fell during the period of annual leave and for compensatory time off for which no mission subsistence allowance credits had accrued. The Internal Audit Division recommended that UNIKOM conduct a review and recover all mission subsistence allowance overpayments.

11. Although the Department of Peacekeeping Operations at various times provided guidance and direction to the Mission and specifically requested strict compliance with established rules in respect of payment of mission subsistence allowance, the Mission did not take a timely decision in connection with the recommendations of the Internal Audit Division made in August 1993. The Mission, therefore, continued to effect the wrongful payment until 1996, when it again reviewed the situation and determined that $851,119 had been overpaid to 192 civilian international staff members between May 1991 and March 1996. In April 1997, the Administration revised the amount overpaid to civilian international staff to $867,263.50.

12. The Board examined all the 192 worksheets prepared by the Mission and confirmed that between May 1991 and March 1996, mission subsistence allowance in the amount of $851,093.50 had been overpaid to 192 staff members rather than the amount of $867,263.50 estimated by the Administration. The Board noted that the overpayments had been caused by the failure of the Mission to adhere to instructions from the Department of Peacekeeping Operations and to implement an important recommendation of the Internal Audit Division regarding the application of mission subsistence allowance.

13. Following a mission to UNIKOM, the Compensation and Classification Service, in April 1991, recommended that mission subsistence allowance be paid on a continuous basis, including time out for leave and for compensatory time off, within the prescribed limits. It was not clear from the documentary evidence provided to the Board whether this recommendation had been approved by the Office of Human Resources Management. Subsequently, in February 1992, the Department of Peacekeeping Operations instructed UNIKOM that civilian staff were not entitled to compensatory time off, but that for substantial and recurrent periods of overtime work, the Chief Administrative Officer could grant occasional time off subject to the exigencies of service. In July 1993, the Department of Peacekeeping Operations informed the Mission that mission subsistence allowance should not be paid for weekends or holidays that fell within a staff member's annual leave.

14. The Board determined that between May 1991 and March 1996, of the total overpayment of $851,093.50, an amount of $305,197.50 had been paid to staff members for unearned occasional time off or compensatory time off taken outside the mission area. Similarly, an amount of $202,285.50 had been paid to staff members for additional days spent outside the mission area. The Board also noted that during the same period, an amount of $301,576.50 had been paid for weekends falling during leave spent outside the mission area and that a sum of $42,034 had been paid to staff members for holidays falling during leave spent outside the mission area. All these payments were contrary to United Nations Headquarters' instructions.

15. The Board noted that although the Chief Administrative Officer had failed to implement the instructions of United Nations Headquarters on mission subsistence allowance, which had resulted in the overpayments, no disciplinary action had been taken against the officer. The Department of Peacekeeping Operations informed the Board that it was only in July 1995, at the conclusion of the second review by internal auditors, that the Department of Peacekeeping Operations realized that the Mission had not corrected its procedures or initiated recovery actions for possible overpayments. By that time, the Chief Administrative Officer had already separated from the United Nations (May 1995).

Category	Number of staff	Mission subsistence allowance wrongly paid	Amount recovered	Amount outstanding
		(United States dollars)		
Civilian staff on Headquarters payroll	135	619 819.00	619 513.38	305.62
Civilian staff on payroll away from Headquarters	34	148 154.50	136 466.66	11 687.84
Terminated/separated staff	21	78 747.50	17 462.50	61 285.00
Deceased staff	2	4 372.50	-	4 372.50
Subtotal	**192**	**851 093.50**	**773 442.54**	**77 650.96**

16. The Board noted that out of the amount of $851,093.50 overpaid to 192 staff members, $773,442.54 (91 per cent) had been recovered by the Administration, leaving a balance of $77,650.96 as at 31 January 2000. The details of the recovery are provided in the table above.

17. **The Board recommends that in future, the Department of Peacekeeping Operations monitor missions closely to ensure that they implement audit recommendations and that they comply fully with instructions and established procedures.**

B. Payment of mission subsistence allowance to military observers

18. The Board noted that a total amount of $5,460,188.03 was initially alleged to have been overpaid by the Mission to 1,425 military observers between May 1991 and September 1996 in respect of mission subsistence allowance. This included a payment of $1,448,117.33 to the military observers for mission subsistence allowance for days of leave taken in advance of entitlement and an amount of $2,343,980.70, which was paid on the basis of a formula that differed from the established one. The balance of $1,668,090 was paid in compliance with the Notes for the Guidance of Military Observers on Assignment, which were in effect at the time of payment. The details of the mission subsistence allowance paid to military observers are discussed below.

1. Advance payment of mission subsistence allowance

19. Military observers had been paid a total of $1,448,117.33 for days of leave taken in advance of entitlement. Although this did not result in any overpayment, since the amounts paid were eventually earned, the Board was concerned about the propriety of making mission subsistence allowance payments in advance of entitlement.

20. **The Board recommends that the Department of Peacekeeping Operations ensure that, in future, peacekeeping missions do not pay mission subsistence allowance in advance of entitlement.**

2. Payment of mission subsistence allowance for days of compensatory time off

21. In accordance with the draft field administration manual, compensatory time off is earned at a rate of six days for each complete month of continuous service, including weekends and holidays. Compensatory time off is given to military observers to provide them with opportunities for rest after especially arduous tours of duty. Consequently, it is taken as soon as possible after completion of the continuous period of service. Military observers are required to work for one full month before they are allowed six days of rest. A directive from the Department of Peacekeeping Operations, dated 14 February 1992, which was sent to all missions, including UNIKOM, indicated that compensatory time off could be accumulated only for each month of completed service, emphasizing that no compensatory time would be earned for less than one month of service.

22. The Board noted that UNIKOM had applied a different method of computing compensatory time off, allowing 0.2 days of time off for each day of service, thus enabling military observers to take compensatory time off for less than a month's service. In this regard, a sum of $2,343,980.70 was paid to military observers in respect of compensatory time earned, contrary to the

provisions of the field administration manual. Although the method adopted by the Mission in computing the compensatory time off was a departure from the established procedure and gave rise to a risk of overpayment, the Board concluded that this breach of procedure did not result in any final overpayment since the amounts paid were eventually earned.

3. Payment of mission subsistence allowance for days of compensatory time off taken in the military observers' home countries

23. The Notes for the Guidance of Military Observers on Assignment, dated June 1991, state that exceptionally and until further notice, military observers serving with UNIKOM may be paid the full rate of mission subsistence allowance during compensatory time off, wherever it is taken. On the other hand, the draft field administration manual, issued in September 1992, states that mission subsistence allowance is payable in respect of compensatory time off regardless of whether it is spent in or outside the mission area, provided that no mission subsistence allowance is paid if a military observer spends compensatory time off in his or her home country.

24. The draft field administration manual establishes a general policy regarding mission subsistence allowance payments during compensatory time off, and the Notes for the Guidance of Military Observers on Assignment set the specific conditions for UNIKOM. The Board considers that the provisions on mission subsistence allowance in respect of compensatory time off as set out in the draft manual are in conflict with the Notes for Guidance issued to military observers in June 1991. On this point, the draft field administration manual in its preface specifies that it does not contain material that would provide a ready solution to every administrative problem that may arise in the field, and that it should always be read in conjunction with the relevant original manuals and/or rules and regulations or other documentation; in the case of any discrepancy between the text of the manual and that of the original documentation, the latter should prevail. In this regard, the Board was of the opinion that the payment of $1,668,090 to military observers for days of compensatory time off taken in the military observers' home countries was in accordance with the Notes for the Guidance of Military Observers on Assignment, which was dated June 1991 and therefore valid.

25. In May 1997, the Department of Peacekeeping Operations issued another directive concerning the mission subsistence allowance payment for compensatory time off spent outside the mission area and instructed UNIKOM that all current and future guidelines on such matters as annual leave, compensatory time off and mission subsistence allowance for military observers and civilian police, including the Notes for Guidance and mission standard operating procedures, must reflect the United Nations policy as contained in chapter 7 of the draft field administration manual, with the following modification: mission subsistence allowance payments for compensatory time off spent outside the mission area, including in the home country, was to be reduced by half. In all other respects, according to the directive, the draft field administration manual correctly stated United Nations standard policy on mission subsistence allowance, compensatory time off and annual leave for military observers and civilian police. UNIKOM implemented the policy of reducing mission subsistence allowance by half for compensatory time off spent outside the mission area, effective 1 May 1997.

C. Field administration manual

26. The Board noted that the draft field administration manual issued in September 1992, which is used to guide the operations of field missions, had not been finalized.

27. The Board is pleased to note that the Administration issued detailed guidelines on mission subsistence allowance in administrative instruction ST/AI/1997/6, dated 20 October 1997. The guidelines reflect the consolidation of mission subsistence allowance practices that have evolved over the years into a coherent policy that serves to standardize its application across all field operations and to simplify its administration. The provisions in the administrative instruction, which came into force on 1 November 1997, have not been included in the field administration manual.

28. **The Board recommended and the Department of Peacekeeping Operations agreed that the draft field administration manual should be reviewed, approved and regularly updated to facilitate the proper administration of field activities.**

III. General conclusion

29. The Board was concerned about the various failures in the administration and payment of mission subsistence allowance in UNIKOM. **The Board recommends that the Department of Peacekeeping Operations identify lessons learned from the cases highlighted in the present report and disseminate them to all peacekeeping missions.**

30. The Department of Peacekeeping Operations informed the Board that the promulgation of the new mission subsistence allowance policy in administrative instruction ST/AI/1997/6 appropriately addressed the problems that arose in UNIKOM and lessons identified from that case.

IV. Acknowledgement

31. The Board of Auditors wishes to express its appreciation for the cooperation and assistance extended by the Secretary-General, the Under-Secretary-General for Management, the Under-Secretary-General for Peacekeeping Operations and members of their staffs.

(*Signed*) Sir John **Bourn**
Comptroller and Auditor General
of the United Kingdom of Great Britain
and Northern Ireland

(*Signed*) Osei Tutu **Prempeh**
Auditor-General of Ghana

(*Signed*) Celso D. **Gangan**
Chairman, Philippine Commission on Audit

United Nations A/54/870–S/2000/443

General Assembly
Security Council

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General Assembly
Fifty-fourth session
Agenda item 43
The situation in the Middle East

Security Council
Fifty-fifth year

Letter dated 15 May 2000 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

Pursuant to my letters dated 12 May 2000 (annex I) and 15 May 2000 (annex II), I have the honour to enclose herewith the documents referred to in the letter addressed to you by Salim El-Hoss, President of the Council of Ministers of the Republic of Lebanon, regarding the position of Lebanon on the issue of the Shebaa farms.

I have the honour to kindly request that the letters referred to above, together with the enclosed documents, be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

For ready reference copies of the previous correspondence are enclosed herewith.

(*Signed*) Selim **Tadmoury**
Ambassador
Permanent Representative

00-43693 (E) 190500 190500

Annex I to the letter dated 15 May 2000 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

12 May 2000

I have the honour to attach herewith a letter which I have been requested by Salim El-Hoss, President of the Council of Ministers of the Republic of Lebanon, to relay to you.

The enclosed letter defines Lebanon's position on the issue of the Shebaa farms. I will therefore be grateful if this letter would receive urgent consideration.

(*Signed*) Selim **Tadmoury**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]
Beirut, 11 May 2000

Memorandum to the Secretary-General of the United Nations concerning Lebanon's position with respect to the Shab`a farmlands

On 4 and 5 May 2000, Mr. Terje Roed-Larsen, the envoy of the Secretary-General of the United Nations, was in Lebanon with an accompanying delegation to discuss with the Lebanese Government the question of the implementation by Israel of Security Council resolution 425 (1978) in accordance with the terms of the letter received by the Secretary-General concerning Israel's withdrawal from Lebanon.

Because of the delicacy and importance of the subject, Lebanon wishes to bring to your attention the substance of these discussions as they relate to the question of the Shab`a farmlands, especially since the Secretary-General will reflect these discussions in his report to the Security Council at a later stage and they will thus be one of the elements on which the Council will base its subsequent resolutions. This requires a clear presentation and one free of speculative explanations or interpretations of the official Lebanese position on this issue, which is that summarized hereunder as it emerged from the discussions with Mr. Roed-Larsen.

I. Lebanon welcomes the efforts of the Secretary-General of the United Nations for the full and unconditional implementation of resolution 425 (1978). It considers that such implementation, if it takes place in accordance with the spirit and letter of the resolution, will have been brought about by the great sacrifices made by the Lebanese people during the 22-year period in which Israel has refused to implement it.

II. Delimitation of the international boundaries

During the discussions with the Secretary-General's envoy and the team of experts accompanying him, Lebanon made it clear that its understanding of the international boundaries was that of the boundary line delimited in 1923. The views of the Lebanese side and of the United Nations delegation on this point were congruent, but differences of the utmost importance for Lebanon emerged during the discussions concerning that part of the international boundary that relates to the so-called "Shab`a farmlands". Briefly, these farmlands are located between Lebanon and Syria in Lebanon's eastern border region and they belong historically to Lebanon and are an integral part of the country. They comprise some 15,000 inhabitants and approximately 1,200 dwellings, according to the documents that are enumerated hereunder and were produced for the Secretary-General's envoy and his team.

(1) The inhabitants of the farmsteads are all Lebanese and they vote in Lebanon (document 1).

(2) All of the land on these farmsteads belongs to the inhabitants by virtue of property deeds issued by the Sidon Department of Landed Property of the Lebanese Republic's Governorate of the South (Al-Janub). It is well known in international practice that no State in the world is entitled to issue property deeds for land outside

the purview of its own sovereignty. The Secretary-General's envoy was shown a whole set of documents to this effect, and some of them were handed over to Mr. Pinther, the United Nations cartographic expert (document 2).

(3) To cite also cases from past history, the Secretary-General's envoy and his team were also given a copy of a judgement handed down by the Sunni Shariah Court in Beirut on 31 March 1945 taking possession of land and of the shrine of Nabi Ibrahim (the prophet Abraham) in one of these farming communities called Mazra`at Mashhad al-Tayr (document 3).

(4) The United Nations delegation was also given a copy of a decision of the Lebanese Council of Ministers, meeting on 16 January 1948, notifying the aforesaid court that it had no authority to seize the land in question on the grounds that it was public (*amiri*) land belonging to the Lebanese State and that a religious court could not take possession of it without permission from the State. This confirms that the sovereignty of the Lebanese State over the area dates to before 1945 (document 4).

(5) Since the territory in question is located exclusively between Lebanon and Syria and is in the eastern part of the Lebanese border region, and given that the boundary line recognized during the period of the French Mandate failed at that time to take account of the side to which the farmsteads belonged, inasmuch as the delimitation shown on some maps placed them inside Syrian territory, the Lebanese Government was obliged in 1946 to address a note on the question to Syrian Government. The reply of the Syrian Government at the time, given in its note No. Q 574 (53/124) of 29 September 1946, was that what had occurred had merely been a technical error and that there had been no intention of modifying the boundaries or incorporating the farmlands in question into the Syrian sphere. This was followed by the formation of a Lebanese-Syrian commission in 1949 chaired by the late Amir Majid Arslan, the then Lebanese Minister of Defence. The commission agreed that the Shab`a farmlands should be regarded as a part of Lebanon bordered on the east by a wadi known as Wadi al-Asal. Accordingly, the Lebanese Government also possesses maps going back to 1966 and before indicating that Wadi al-Asal is the eastern boundary (document 5), and they were produced for the technical team accompanying Mr. Roed-Larsen.

It should be stated that Israel has no involvement with these farmlands or with any dispute concerning them or any claim of ownership, particularly since it occupied most of them during the 1967 war and the remainder at a subsequent stage, as will be shown hereunder.

It can be inferred from the foregoing that the Shab`a farmlands belong to Lebanon and are located between Lebanon and Syria. They have never been in dispute between the two countries, and no other party or authority is therefore entitled to consider them.

(6) In addition to the foregoing, it should be said that Israel began its occupation of the farmlands in the war of June 1967. It occupied six farmsteads on 15 June, three on 20 June and five on 25 June. It drove the inhabitants further into Lebanon after destroying their fields and their homes. Again, in April 1989, Israel occupied the last community in the area, Mazra`at Bastarah, and evicted the 30 families there before annexing it to the others. It is thus clear that Israel gradually eroded this Lebanese territory and occupied it in successive stages between 1967 and 1989.

III. On the basis of the foregoing, it is clear in a manner that is certain and is not open to interpretation that the Shab'a farmlands are Lebanese and that Israel's withdrawal from them will constitute an integral part of its implementation of resolution 425 (1978). Otherwise, this withdrawal will be incomplete and will have the character of a redeployment of the Israeli occupation forces, with all the consequences that that entails, rather than a full withdrawal from all Lebanese territory as required by the letter of the resolution.

IV. Lebanon is committed to a just and comprehensive peace in the region based on the implementation of the relevant Security Council resolutions. It calls upon the international community to induce Israel to implement these resolutions fully and as a matter of urgency, since otherwise international peace and security in the region as a whole will always be in jeopardy and subject to disruption.

(*Signed*) Sélim **El-Hoss**
Prime Minister
Minister for Foreign Affairs

Document No. 1

مستند رقم (١)

حكومة لبنان الكبير

ETAT DU GRAND LIBAN

Sandjack d حاصبيا

لواء

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قضاء حاصبيا

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Numéros d'ordre	Nom et Prénoms	Prénoms du Père		Date et lieu de naissance	Sexe		Etat	Profession	Marié ou célibataire	Lettré ou illettré	Nombre d'enfants	Observations

Numéros d'ordre	Nom et Prénoms	Prénoms du Père		Date et lieu de naissance	Sexe	Rôle	Profession	Statut matrimonial	Sachant lire ou illettré	Nombre d'enfants	Observations
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٥٨				١٩٠٩							
٥٩				١٩٦٤							
٦٠				١٩٨٤							
٦١				١٩٧٦							
٦٢				١٩٩٠							
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٧٤				١٩٩٠							
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Numéros d'ordre	Nom et Prénoms	Prénoms du Père	Date et lieu de naissance	Sexe	Père	Profession	Marié ou célibataire	Lettré ou illettré	Nombre d'enfants	Observations
١			١٩٨٩							
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الحافظة : نوب
القضاء : [illegible]
المدينة او القرية : [illegible]
المنطقة العقارية :

٢٠ وزارة الصحة
وزارة المالية
مصلحة الواردات العامة

محضر تصنيف الاراضي - رقم التسلسل ١٠٠

(قانون ٢٠ كانون الاول سنة ١٩٥١)

اسم مالك الارض او واضع اليد عليها والذي له عليها حق انتفاع او اجارة طويلة	نوع حد التحاوي او المبنى ومكانه	حالة العائلة (متزوج، عزب، ارامل، اولاد) (١)	ارقام ومواقع العقارات الاخرى غير المصنفة بهذا المحضر والتي يملكها نفس الشخص في مناطق اخرى								ملاحظات	اسم الزارع او المرابع او الشريك بالنصف او المستأجر (في حال وجوده)	نوع علاقة هذا الاخير بصاحب الارض	نوع العقد ومدته والفريقة	ملاحظات
			المنطقة	الرقم	المنطقة	الرقم	المنطقة	الرقم	المنطقة	الرقم					
صباح موسى محمد	عامل	م ع ...	١												

أ - اراض زراعية و«عمرانية»

رقم العقار (السهم او رقم القطعة حسب الحالة) غير مسهم	حصة الايلاك (سهم)	المساحة المبنية او المعدة	نوع الزروعات او الاشجار	صنف الزروعات (حسب الجدول رقم ١)	حالة الارض (ملك، اميري، وقف، متروك او تشجير) (٢)	حالة العقار الانتقال والتحصيلات (٢١)	ملاحظات
٥٤٤	١٠٠						جزء من عامل
٢٨٩٦	١٠٠						مشمول
٢٩١٧	٤٠٠			١١			

ب - اراض زراعية او معدة للزراعة وغير «عمرانية»

رقم العقار المسرح او رقم القطعة	حصة المالك سهم	المساحة المبنية او المعدة	ملاحظات

ج - اراض معدة للبناء

رقم العقار المسرح او رقم معدة	حصة المالك سهم	المساحة المبنية او المعدة	صف الارض (حسب الجدول رقم ٣)	ملاحظات

(١) الاولاد القاصرون امام على مالك المنطقة ٥ تذكر الاسم او بنسبة المالك.
(٢) تراجع الاوراق ٥٥ و ٥٦ من القانون والجدول الملحق به رقم ٢.

نظم في ... ٥٤
رئيس لجنة التصنيف

مختار المحلة

مصور

مصور

الجمهورية اللبنانية
وزارة المالية
مصلحة الموارد العامة

مستند رقم ١ عكس محضر تصنيف الاراضي — رقم التسلسل ٤٩٦

(قانون ٢٠ كانون الاول سنة ١٩٥١)

المحافظة : الجنوب
القضاء : صيدا
المدينة او القرية : صيدا
المنطقة العقارية :

اسم مالك الارض او واضع اليد عليها والذي له عليها حق انتفاع او اجارة طويلة	نوع عقد التجاري او المهني ومكانه	حالة العائلة (عزب، متزوج، ذو اولاد) (١)	ارقام وصرائح العقارات الاخرى غير المتنة بهذا المحضر والتي يملكها نفس الشخص في مناطق اخرى								ملاحظات	اسم المزارع او المرابع او الشريك بالمناصفة او المستأجر (في حال وجوده)	نوع علاقة هذا الاخير بصاحب الارض	نوع العقد ومدته وتاريخه	ملاحظات
			المنطقة	الرقم	المنطقة	الرقم	المنطقة	الرقم	المنطقة	الرقم					
محمد يوسف السعدي	ملك صرف	متزوج وله اولاد													

أ — اراض زراعية «مستثمرة»

رقم العقار المسوح او رقم قسمة الاملاك غير ممسوح	حصة المالك سهم	المساحة المنبتة او المقدرة م٢	نوع الزروعات او الاشجار	صنف الزروعات (حسب الجدول رقم ١)	حالة الارض (زرع او تشجير) (٢)	سنة الحيازة الاعمال والتحسينات (٢)	ملاحظات
٤٤٥	٤٤٠٠	٦٥٠	كرمة	١	زرع		الحميس
٨٤٦	٤٤٠٠	٦٥٠	زيتون	١	زرع		عين الجوز
١٤١١	٤٤٠٠	٦٥٠	زيتون	١	زرع		كفر سلم
٢٧٤٧	٤٤٠٠	٧٥٠	جوز	٩			
٢٢٠٩	٤٤٠٠	٧٥٠	٠	٩			فالم وحنا
٢٢٢٤	٤٤٠٠	١٥٠٠	٠	٩			٠ ٠
٢٧١٢	٤٤٠٠	١٥٠	زيتون	١			طاحونة

ب — اراض زراعية او معدة للزراعة «غير مستثمرة»

رقم العقار المسوح او رقم قسمة الاملاك	حصة المالك سهم	المساحة المنبتة او المقدرة م٢	ملاحظات

ج — اراض معدة للبناء

رقم العقار المسوح او رقم قسمة الاملاك	حصة المالك سهم	المساحة المبنية او المقدرة م٢	صنف الارض (حسب الجدول رقم ٣)	ملاحظات

(١) الاولاد القاصرون الذين هم دون الـ ١٨ سنة كاملة لا يعتبرون في عداد الاولاد في الزروعات والمنشآت والاراضي.
(٢) راجع المادتين ١٥ و ١٦ من القانون والجدول الاول ملحق رقم ٥.

نظم في ٢٩/٦/١٩٥٢
رئيس لجنة التنظيم

عضو — عضو — عضو

A/S4879
S/2999/43

Document No. 2

الجمهورية اللبنانية
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سند التمليك
TITRE de PROPRIÉTÉ

المكتب العقاري Bureau foncier	رقم العقار على الخريطة Immeuble sur le plan
خيمة	
المنطقة العقارية Circonscription foncière	
شبعا	

القسم Section	المحل المعروف Lieu dit
غرب	
١٢١٨	

الشارع والنمرة Rue et Numéro

Nom de l'Immeuble Khallet Ghazalé — اسم العقار
Condition juridique — نوعه القضائي
Nature du droit — نوع الحق

Description de l'Immeuble وصف العقار

Consistance محتويات العقار

أرض

Limites الحدود

الحد الجنوبي SUD	الحد الشرقي EST	الحد الشمالي NORD	الحد الغربي OUEST	توقيع امين السجل Signature du Conservateur
جبل	معبور	أحمد قاسم	جبل	

القرار او حكم المثبت او المعدل للحدود Décision ou acte qui établit ou qui modifie les limites

Contenances Parcellaires مساحات القطع

Estimation de la Propriété تخمين العقار

سانتيار Centiares	آر Are	هكتار Hectares	توقيع امين السجل Signature du Conservateur	القرار او الحكم المعدل للمساحة Décision ou acte portant modification de la contenance

التخمين ESTIMATIONS: القيمة الحرة Valeur vénale	التخمين ESTIMATIONS: الدخل Revenu	البيان التخميني لمعدل الدكتار Base de l'évaluation par Ha: القيمة Valeur	البيان التخميني لمعدل الدكتار Base de l'évaluation par Ha: الدخل Revenu	رتبة العقار CLASSEMENT: الدرجة Classe	رتبة العقار CLASSEMENT: الصنف Catégorie	تاريخ التخمين Date des Estimations

Origine du droit et Motifs de l'Immatriculation اصل الحق واسباب التسجيل

بشراء من ورثة ابو صبي قاسم بموجب عقد البيع رقم ... تاريخ ١٩٦٢

22 septembre 1962

المشتركة — الارتفاق — الأرتفاق — الضم والتجزئة

opriété — Usufruit — Servitudes — Fusion et Morcellement

ملحوظات REMARQUES	التغيرات RADIATIONS	الحصص PARTS	التسجيل INSCRIPTIONS	الرقم في السجل العيني
		كل	الشخ نبأ ... مرجد عفه السبع ...	٢٢
		٢١٠	... حسين حامد ...	
			... 25/9/1962	

المحافظة	القسم
القرية والناحية	

الجمهورية اللبنانية

مستند رقم (٢)

سند التمليك

رقم القيد على الخريطة	اداة السجل العقاري
٥٧	القطعة العقارية
	سبعا

اسم العقار عزرة قنوبين

نوعه الفلاحي مدت

نوع الحق استند ادعم وضع اليد وطلب التسجيل

وصف العقار

عقوبات العقار

لا توجد بعد مشجر زيتون ومختلف

المحدود

شمالاً اسماعيل وعائلة صندوق / جنوباً اسماعيل صندوق / شرقاً درب القافلة الى بكفيا وضيعة غربياً طريق عام

مساحات القطع

القرار والعلك المعدة به المساحة	باقتبار	آر	هكتار	توقيع امين السجل
		م٢ (٧٥٠٠)		
سبعة الاف وخمسمائة متر مربع تقريباً		م٢		

اصل الحق واسباب التسجيل

المكية بيد المدعين بموجب سند استناد الى الارث وقيد الحيازة

للملكية ـ الانتفاع ـ الارتفاق ـ الضم والتجزئة

الرقم في السجل العيني	التسجيل	الحصص		الرتبة	ملحوظات
٨٤					
٨٧/٦/٩					
3/5/87		١٢٠٠			
		٢٤٠٠			
		٣٦٠٠			
	Sayda 9/6/87 Sibon				

754/870
2000/443

الجمهورية اللبنانية
المحكمة الشرعية السنية
الملف

((المحكمة الشرعية العليا)) ((الجمهورية اللبنانية))

((قسم الاستئناف))

مستند رقم (٣)

رقم التسلسل رقم الأوراق ٢٠

١٦ / ٢

الهيئة الحاكمة : الرئيس سماحة الشيخ محمد علي الانسي .

المستشاران : الشيخ محمد علايا والشيخ محمد منيب الناطور .

المعترض اعتراض الغير : الحكومة اللبنانية .

المعترض عليه : مديرية الأوقاف الاسلامية في بيروت .

الموضوع : وقف

تاريخ الحكم المعترض عليه ٣١ كانون الثاني سنة ١٩٤٥

لدى التدقيق والمذاكرة تبيّن ان محكمة حاصبيا الشرعية حكمت في الثلاثين من تشرين الثاني سنة ١٩٤٤ بثبوت وقفية قطعة الأرض المسمّاة بمشهد الطير الابراهيمي الكائنة في خراج قرية شبعا التابعة لحاصبيا والمحتوية على مسجد قديم واشجار من السنديان كثيرة العدد والمحدودة في الاعلام على ان تكون الاشجار المغروسة في حدود الأرض المرقومة تابعة للوقف المذكور واستندت المحكمة في ذلك الى الشهادات التي استمعتها والى ان الشهادة الحسبية بلغت حد الاستفاضة وبلغ عدد الشهود عشرين شاهدا وان دعوى الوقف والشهادة به تصحان من غير بيان الواقف والشهادة في الوقف تقبل حسبية بدون دعوى والشهادة المستمعة كانت لثبوت اصل الوقف وهو من حقوق الله تعالى وقد تأيدت بضبطة موقع عليها من وجوه القرية المذكورة .

وتبيّن ان محكمة الاستئناف الشرعية وجدت هذا الحكم موافقا للأحكام الشرعية والأصول القانونية فقررت في الواحد والثلاثين من كانون الثاني سنة ١٩٤٥ تصديقه .

وتبيّن انه في الثاني من تموز سنة ١٩٤٥ تقدّمت الحكومة اللبنانية بدعوى اعتراض الغير على مديرية الأوقاف الاسلامية في بيروت وخلاصة اسباب الاعتراض (بعد سرد الوقائع)

١ : ان المادة / ٢٨١ / من المرسوم رقم / ٢٤١ / الغت اصول المحاكمات الشرعية وجميع النصوص المخالفة لأحكامه ويفهم من المواد / ٣٥ / و ٣٦ / و / ٣٧ / و / ٥٤ / و / ٥٥ / و / ٦٠ / و / ٦١ / و / ٧٤ / من المرسوم المذكور انه يمتنع على المحكمة سماع دعوى ما الا بعد اقامتها من مدّع ذى اهلية وفي هذه الدعوى لم يعثر على استحضار تقدّم من ذى اهلية بل استمع القاضي اقوال بعض اشخاص وقضى بنزع ملكية الحكومة عن اراض حرجية تزيد مساحتها عن ثلاثة ملايين متر مربع فيتوجّب فسخه .

الجمهورية اللبنانية
المحكمة الشرعية السنية
العليا

٢ : لم يستثبت القاضي كيفية الوقف وشروطه وملكية الواقف وسنداته ولاصحة لمزاعم المقررين فقدان المستندات وذلك مخالف للمبادئ الشرعية والقانونية .

٣ : ان الحكومة تملك جميع الأراضي الأميرية ولا يملك البعض الأحق التصرف بها وتملك ايضا الأحراج خصوصا النائية في الأراضي الأميرية حسب القوانين القديمة والحديثة (انظر الفقرة / ١١/ من المادة/ ٢/ من القرار رقم / ٢٧٥/ المؤرخ في ٢٥ ايار سنة ١٩٢٦ فالواجب فسخ الحكم المطعون فيه .

٤ : لايجوز وقف الاراضي الأميرية حسب القوانين قديما وحديثا ولايعطى الحق للأشخاص المعنويين بالتصرف في الأراضي الأميرية وهذا النص يبقي مطلقا حتى صدور قانون سنة ٣٢٨ الذى اجاز لبعض الأشخاص المعنويين التصرف بالأموال غير المنقولة ضمن قيود احترازية اهمها حصر هذا التصرف داخل القرى والقصبات فعمل القاضي مخالف للمادة / ١٨/ من القرار رقم / ٣٣٣٩/ .

٥ : ان المحكمة الشرعية غير صالحة لرؤية هذه الدعوى لأن القرار المطعون فيه يقول ان الأراضي الحرجية هي وقف والحكومة تدعي انها ملك لها بالاستناد للمادة / ٢/ من القرار رقم / ٢٧٥/ المذكور اعلاه ولقانوني الأراضي والأحراج وان الفصل بها يعود الى المحاكم المدنية فيطلب قبول الاعتراض والحكم بفسخ الحكم الاستئنافي ، وبعدم صلاحية المحاكم الشرعية بفصل هذا النزاع (واستطرادا) اعتبار الأرض بكاملها والأشجار ملكا للدولة وتضمين الجهة المعترض عليها الرسم والعطل والضرر واتعاب المحاماة .

وصفوة اللائحة الجوابية :

١ : ان اعتراض الحكومة بغير محله الشرعي والقانوني لأنها لم تدل ببرهان او دليل او مستند قانوني يثبت صحة زعمها ملكية العقار المحكم به . وان النص الوارد في القرار رقم / ٢٧٥/ وان يكن اشارت المادة / ٦٨/ منه بأنه لاينفذ الآني سوريا فانه لاينطبق على الدعوى الحاضرة ولا يشملها لأنه استثنى الأحراج والغابات والأراضي المملوكة الى الغير ومن جملتها الأوقاف التي لاتسرى عليها احكامه ولا يشملها لخضوعها للنصوص الشرعية والمادة الرابعة من قانون الأراضي صريحة بذلك . فالقطعة المذكور تموقوفة من القديم من قبل اصحابها على المسجدين المذكورين وفقا للنهج الشرعي وحاصلاتها تصرف على نفقات المسجدين بمعرفة المشرفين عليها من النظار منذ مئات من السنين بلا معارض ولا منازع بمشاهدة الحكومة واطلاعها وعدم معارضتها مع الترخيص لهم بقطع اشجارها لصنعها فحما مجانا بلا رسم لكونها وقفا كما هو ثابت بالرخصة الصادرة من وزارة الزراعة بتاريخ ٧ نيسان سنة ١٩٤٣ رقم / ٢٢٩٧/ وذلك لأن قطع الأشجار محظور الا بترخيص رئيس الدولة وفقا للمادة / ٨٠/ من قانون الغابات ، والحكومة لم تضع يدها ولا تصرفت بهذا العقار بوقت ما وليس له قيد في سجل املاكها الخاصة .

وبما ان الحكم بوقفية العقار المذكور اصبح مبرما بمقتضى المادة / ٥٥٢/ مدنية فلايجوز سماع الدعوى بخصوصه • وعجيب ادعاء الحكومة تملك مسجد مشهد الطير مع ارض الوقف المحاطة به مع انه تقام فيه الشعائر الدينية من القديم ويزار لنسبته الى سيدنا ابراهيم عليه السلام والحكومة تعترف بأنه واقع في وسط القرى ومحاط من جهاته الأربع باملاك جيران واشخاص معروفين ، فلهذا كان اعتراضها من هذه الجهة غير مسموع •

٢ : ان عامة كتب المذهب الحنفي تصرح بجواز سماع الشهادة الحسبية على اثبات اصل الوقف واوجبت على القاضي الحكم بها دون دعوة احد لأن الوقف لله تعالى (راجع المادة / ٥٦٢/ وما بعدها من قانون العدل والانصاف) لقدري باشا) والعمل بهذا النص الشرعي في جميع المحاكم الشرعية • اما المرسوم رقم / ٢٤١/ فانه لم يمنع ذلك بل اجاز للقاضي الشرعي التمشي على هذا النص (المادة / ١١١/ من المرسوم المذكور) وان القاضي سمع البينة الحسبية على اثبات اصل الوقف لاعلى شروطه وفقا لنص المادة القانونية المذكورة واصدر حجة صدقتها محكمة الاستئناف الشرعية لموافقتها للشرع والقانون فاعتراض وكيل الحكومة من هذه الجهة غير وارد •

٣ : ان الاعتراض على الصلاحية هو بغير محله لصراحة الفقرة / ١٤/ من المادة / ١٤/ من الأصول الشرعية فيطلب رد دعوى الحكومة وتضمينها الرسوم والمصاريف •

ولدى المحاكمة العلنية الوجاهية حضر وكيل الحكومة ووكيل مدير الأوقاف الاسلامية وتلي التقرير الاستئنافي • ثم في الجلسة المنعقدة في الثامن عشر من تموز سنة ١٩٤٨ قال وكيل الحكومة انه جرى الكشف على العقارات المختلف عليها بمعرفة لجنة معينة من قبل الحكومة وتم الاتفاق بين الحكومة ودائرة الأوقاف على وجه ورجع فيه مجلس الوزراء فاتخذ قرارا ابرز صورته الى المحكمة وصورة من الخريطة وطلب اعطاء القرار بالتصديق على ذلك •

وقال مدير الأوقاف بما ان القرار الوزاري يصرح بأن مفتي الجمهورية وافق على قرار اللجنة فأطلب التصادقة على ذلك •

وتبيّن انه في الثامن من كانون الأول سنة ١٩٤٨ تقرر اكمال الدعوى بحق الجهة المعترضة غيابيا بمثابة الوجاهي • ثم تلا حضرة المدعي العام مطالعته ،

في الشكل : بما ان اعتراض الخير مقدم ضمن المدة القانونية مستوفيا الشروط •

في الأساس : بما انه فهم من صورة قرار مجلس الوزراء المتخذ في جلسته المنعقدة في ١٦ كانون الثاني سنة ١٩٤٨ ان المجلس المشار اليه اطلع على مطالعة وزارة العدلية الجليلة المؤرخة في ٨ كانون الثاني سنة ١٩٤٨ وعلى كتاب سماحة مفتي الجمهورية اللبنانية المؤرخ في ٣٠ كانون الأول سنة ١٩٤٧

الجمهورية اللبنانية
المكتب الشرعية العامة
الطلب

ووافق على اقتراح اللجنة الخاصة التي انتدبت لحسم الخلاف الواقع على الحرج الكائن في قرية شبعا التابعة قضاء حاصبيا .

وبما انه تبيّن ان ملف الأوراق المتعلق بهذه القضية اودع الى وزارة العدلية الجليلة بتاريخ ٢١ كانون الثاني سنة ١٩٤٨ تقرر بالاجماع بتاريخ ٢٢ كانون الأول سنة ١٩٤٨ قبول اعتراض الغير شكلا وطلب ملف الأوراق المذكورة من الوزارة المشار اليها لأجل الاطلاع عليه . ثم ورد هذا الملف ـ وبعد تلاوة الأوراق كررت النيابة العامة مطالعتها وكرر الطرفان اقوالهما السابقة .

وبما انه تبيّن من قرار مجلس الوزراء المتخذ في جلسته المنعقدة بتاريخ ١٦ كانون الثاني سنة ١٩٤٨ انه في اثناء رؤية دعوى اعتراض الغير الغت الحكومة بموجب المرسوم رقم / ٣٢٣٠ / المؤرخ في ١٢ آب سنة ١٩٤٦ لجنة خاصة مهمتها تقديم الاقتراحات التي تؤول الى حسم الخلاف الواقع على الحرج المذكور وان لها عند الاقتضاء ان تستعين بأحد مهندسي المنطقة فقامت اللجنة بالمهمة الموكولة اليها وبعد ان اجرت بحضور المهندس العقاري كشفا حسيا على العقار المنازع عليه طلبت الى الشهود والى رئيس لجنة اوقاف شبعا ان يشيروا الى القطعة التي يدعونها وقفا فأشاروا اليها ووضع المهندس العقاري تقريرا عنها وخريطة بيّن فيها مساحتها وحدودها ومحتوياتها وعدد اشجارها فاذا بهذه الحدود لاتأتلف والحدود الواردة في الحكم الشرعي والتي تضم مساحات واسعة من الحرج وان الحدود الحقيقية التي نوّه بها المجاورون خلال الكشف لاتشمل سوى حرج المشهد المبين بتقرير وخريطة المهندس الخبير . وان جميع المعترضين قرروا ان للوقف قطعة كان يستغلها منذ القديم وله فيها حق مكتسب ولكنها غير القطعة التي سجلها الحكم الشرعي والتي تزيد مساحتها على آلاف دونمات فاقترحت اللجنة ان لوقف مشهد الطير حق الانتفاع بالقطعة الحرجية المسماة مشهد الطير والتي يحدها غربا رأس قمة الصخور التي تنحدر الى حرج الوقف وورثة علي محمد موسى ضاهر وجنوبا ورثة خير الله وجهد الله ريسة واراضي اميرية حيث تنحرف طريق شبعا ـ المغر الى الغرب ـ الجنوبي ، وشمالا احراج اميرية ضمنها اراضي الياس الخوري ، وشرقا مشعب يسمى مشعب المتون ـ وفيه آتون والعيينة بخارطة مهندس اللجنة المربوطة بتقريره المؤرخ في الحادي والعشرين من تشرين الأول سنة ١٩٤٦ ومساحة هذه القطعة على الوجه التقريبي مئتا دونم وتحتوي على ثلاث آلاف شجرة حرجية متكاثفة ، وان المجلس اطلع على مطالعة وزارة العدلية المؤرخة في الثامن من كانون الثاني سنة ١٩٤٨ المتضمنة طلب الموافقة على اقتراح اللجنة المدون اعلاه وان سماحة مفتي الجمهورية اللبنانية قد وافق على هذا الاقتراح بكتابه المؤرخ في الثلاثين من كانون الأول سنة ١٩٤٧ وانه بعد المداولة وافق المجلس على اقتراح اللجنة كما هو وارد اعلاه .

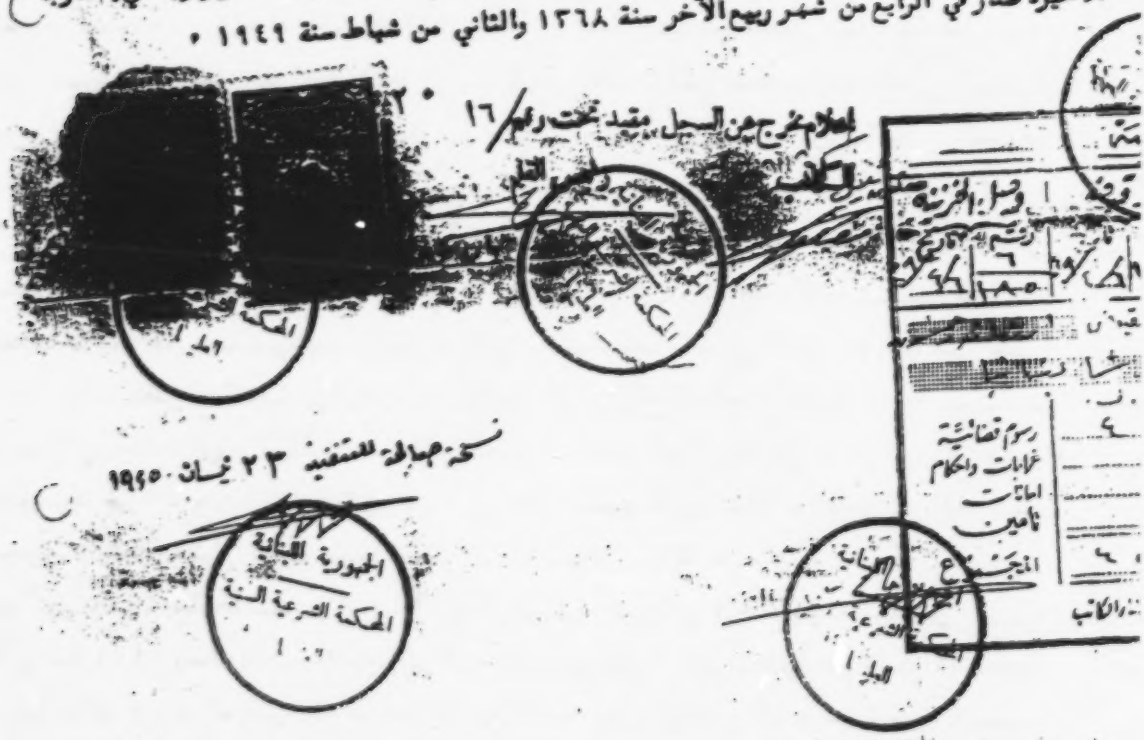
وبما ان الادلاء بعدم الصلاحية قد رجع عنه وكيل الحكومة بطلبه التصديق على قرار مجلس الوزراء

المؤرخ في السادس عشر من كانون الثاني سنة ١٩٤٨ ،

وبما ان المجلس المشار اليه وسماحة مفتي الجمهورية وافقا على اقتراح اللجنة المومأ اليها .

((لذلك كلـــه))

بالاستناد الى المادة /١٨٣٨/ من المجلة والمادتين /٢٠/ و /١٢٥/ من الرسوم الاشتراعي رقم /٢٤١/ تقرر باجماع الآراء وفاقا لمطالعة النيابة العامة رد اعتراض عدم الصلاحية وفسخ الحكمين البدائي الصادر عن محكمة حاصبيا الشرعية بتاريخ الثلاثين من تشرين الثاني سنة ١٩٤٤ والاستئنافي الصادر عن محكمة الاستئناف الشرعية بتاريخ الواحد والثلاثين من كانون الثاني سنة ١٩٤٥ والتصديق على قرار مجلس الوزراء المؤرخ في ١٦ كانون الثاني سنة ١٩٤٨ المتخذ وفقا لمطالعة وزارة العدلية حسبما ذكر اعلاه واعادة ملف الأوراق الآنفة الذكر الى الوزارة المشار اليها وهذا القرار وجاهي بالدرجة الأخيرة صدر في الرابع من شهر ربيع الآخر سنة ١٣٦٨ والثاني من شباط سنة ١٩٤٩ .



نسخة صالحة للتنفيذ ٢٣ نيسان ١٩٥٠

Document No. 4

A/54/870
S/2000/443

قرار مجلس الوزراء
المتخذ في جلسته المنعقدة بتاريخ ١٦ كانون الثاني سنة ١٩٤٨

مستند رقم ٤

الموضوع

قضية عين شعبا :

اطلع المجلس على الملف المتعلق بقضية الخلاف القائم بين الحكومة وبين ادارة الوقف الاسلامي في شعبا حول ملكية الحرج المعروف بحرج شعبا الذي يبلغ مساحته نحو ثلاثة ملايين متر مربع والذي تقع بالقرب منه قطعة ارض تحتوي على مسجد يعرف باسم مشهد الطير الابراهيمي عائد للوقف المذكور. وتتلخص هذه القضية ان تاجر الشرع في حاصبيا بالاستناد الى شهادة شاهدين زورا تزيفت سجلة اختيارية بعض اراضيها - اصدر بتاريخ ٣٠ تشرين الثاني سنة ١٩٤٤ حكما بثبوت ملكية قطعة الارض المذكورة وباعتبار الاشجار الموجودة ضمن حدودها ملكا للوقف وهذا الحكم عند تصديقه من محكمة الاستئناف الشرعية بتاريخ ٣١ كانون الثاني ١٩٤٥ وعندما اتصل الامر بالحكومة اعترضت على الحكم المذكور باعتبار الخير طالبة فسخه وابطاله لاعتبارها اياه غير مبني على اساس قانوني ومخالفا احكام القرار رقم ٢٢٥ الصادر بتاريخ ٢٥ ايار ١٩٤٦ الذي يثبت ملكية الدولة لجميع الاحراج والغابات غير المشروعة في اثناء رؤية اعتراض الخير الف الحكومة بموجب المرسوم ٦٧٣٠ المؤرخ في ١٢ آب ١٩٤٦ لجنة خاصة تتالف من السادة :

امير خالد شهاب رئيسا
الاستاذ زهدي يكن المستشار الممتاز لدى محكمة الاستئناف
الاستاذ ابراهيم عازار محامي الحكومة لدى محافظة الجنوب

مهمتها تقديم الاقتراحات التي تؤول الى حسم الخلاف الواقع على الحرج المذكور ولها عند الاقتضاء ان تستعين احد مهندسي المنطقة .

قامت اللجنة بالمهمة الموكولة اليها وبعد ان اجرت بحضور المهندس العقاري كشفا حسيا على العقار المتنازع عليه طلبت الى الشهود والى رئيس لجنة اوقاف شعبا ان يشيروا الى القطعة التي يدعونها وقد فعلوا ! اليها يوضع المهندس العقاري تقريرا عنها وخريطة يبين فيها مساحتها وحدودها ومحتوياتها وبعد اطلاعها على ذلك اذا بهذه الحدود لا تتلف والحدود الواردة في الحكم الشرعي والتي تضم مساحات واسعة من الحرج .

وبما ان الحكم الشرعي استند الى شهادات لم تحدد بدقة لا يجوز الاخذ بها .

وبما ان الحدود الحقيقية التي عينها الحاضرون خلال الكشف لا تشمل سوى حرج السمك المبين بتقرير وخريطة المهندس الخبير .

وبما ان جميع المعترضين قرروا ان للوقف قطعة كان يستغلها منذ القديم وله فيها حق مكتسب وتلك غير القطعة التي سجلها الحكم الشرعي والتي تزيد مساحتها على الالف الدونمات.

لذلك اقترحت اللجنة ان لوقف مشهد الطير حق الانتفاع بالقطعة الحرجية المساة مشهد الطير والتي يحدها غربا رأس قمة الصخور التي تنحدر الى حرج الوقف ويتخللها مجد موسى ناصر

[illegible] ٢١ كانون الثاني سنة ١٩٤٨

وتنويها وتستخبر اللهوجد الله ره واراضي اميرية حيث تتحرف طريق شبعا - المغر الى الغرب الجنوبي وشمالا أعمال اميرية سنها اراضي الياس الخوري وشركا مشعب بين شعب المتين ونبه آثين والسبينة بخارطة مدنس اللجنة المربوطة بتقريره المؤرخ في ٢١ تشرين الاول ١٩٤٦ وساحة هذه القطعة على الوجه التقريبي مئتا دونم وتحتوي على ثلاثة الاف شجرة حرجية متكاثفة واطلع المجلس من مطالعة وزارة العدلية المؤرخة في ٨ كانون الثاني الجاري المتضمنة طلب الموافقة على اقتراح اللجنة المدون اعلاه لاسيما وان سطحة مفتي الجمهورية قد وافق على هذا الاقتراح بكتابه المؤرخ في ٣٠ كانون الاول ١٩٤٧ .

بعد المداولة :

وافق المجلس على اقتراح اللجنة كما هو وارد اعلاه .

عدد م . د . صورة طبق الاصل .
٣١

لجانب وزارة العدلية

بيروت في ٢١ كانون الثاني سنة ١٩٤٨

مدير عام

رئاسة مجلس الشورى على المختار

[illegible]

Document No. 5

[attached at the end of the present document]

A/54/870
S/2000/443

Document No. 6

نموذج (٦)

(١)

الجمارك السورية

جواز مرور

حساب مفتوح للحيوانات

مراعي

يعمل به من ٢٠ حزيران ١٩٩٩ الى ٣١ ايار ١٩٥١

٥٪٨٥

ان لبن / حقيبي مغيرة الجمارك في باب الجوية

يثبت بان المدعو يوسف موسى حمد من قرية عزيزة العشكول الطائفية

مسجل في الحساب المفتوح لهذه القرية تحت رقم ٧

ان هذه الاجازة صالحة لتجول هذه الحيوانات في المراعي داخل اراضي الحصة المكتوبة رقم ٥٠/٨٨ المسجلة باسم

باب الجوية في ٨٨/٧/١٩٥٠

التوقيع

ثور اسود اجم بقرنه اليسرى مشوه وذنبه مشوه وذيله مقطوعة

ثور اسود واضح بقرنه اليسرى مشوه وذنبه مقطوعة

ثور اسود اجم مشوه وذنبه مقطوعة

(١) يمكن اعطاء جواز مرور اجمالي لكل قطعان القرية او لكل الحيوانات التي تذهب للرعى معاً حسب طلب ذوي العلاقة ولكن الحيوانات لايمكن ان تدون الا على جواز مرور واحد فقط .

الجمهورية اللبنانية
قائمقامية مرجعيون
هيئة اختيارية شبعا
قلم ملاحية العقيبة

١٩٤٩

رخصة البناء

طالب الرخصة سالم علي عبد الله محمد

١ اسم الطريق ومرقمه سوسبرجه
٢ ما يلزم ترك للطريق سبعة امتار
٣ نوع البناء سأو بلاطش بموقع خلف اري بناء المزرعة خارج شبعا
٤ عدد الطبقات واحدة
٥ مساحة البناء عشرة امتار وعرض ستة
٦ واجهة البناء غربية
٧ الشروط عدم التعدي على الشارع

ملاحظات

ق غروش لبنانية ورق

١٠٠	الرسم القنصلي
٥٠	رسم رخصة
	رسم عن ٦٠ متر مربع
	رسم واجهة
	رسم بلكونات
٢٠٠	بكون

ان الرسم الثابتي في الهدر المطلوب وقدره ثمانية ليرات لبنانية ورقية قد وصل الى خانة الصندوق بموجب ايصال رقم
البدء سالم علي عبد الله محمد وعليه اعطيت هذه الرخصة في البناء على الوجه المبين اعلاه وعلقت تستوجب
علاوات القانونية

المهندس الاختياري المحاسب امين الصندوق القائمقام

Annex II to the letter dated 15 May 2000 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

15 May 2000

Further to my letter dated 12 May 2000, I have the honour to enclose herewith an addendum, pertaining to the letter addressed to you by Salim El-Hoss, President of the Council of Ministers of the Republic of Lebanon, on the subject of the Shebaa farms.

I kindly ask that this enclosure be considered an integral part of the first document.

(*Signed*) Selim **Tadmoury**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]
Beirut, 15 May 2000

Further to our memorandum of 12 May 2000 concerning Lebanon's position with respect to the Shab'a farmlands, we should like to inform you that the Lebanese and Syrian Governments have in their possession two documents, dated 27 February 1964 and 21 February 1967 respectively, copies of which are attached. They contain the minutes of the Lebanese-Syrian Boundary Commission's meeting No. 3, held on 27 February 1964, and of the joint technical committee's meeting No. 3, held on 20 and 21 February 1967, both concerning the Shab'a farmlands. The two documents confirm the agreement of the Lebanese and Syrian sides that the international boundaries between the two countries are the cadastral survey boundaries between them. This confirms that the boundaries of the landed properties belonging to the villages as surveyed by the Lebanese Republic are the international boundaries between Syria and Lebanon.

(*Signed*) Sélim **El-Hoss**
Prime Minister

Minutes of meeting No. 3 of the General Syrian-Lebanese Boundary Commission, held in Beirut on 27 February 1964

The two sides met in Beirut on 27 February 1964 and, the minutes (No.2) of the two meetings of the technical committee on boundaries held in Damascus on 24 and 25 February 1964 having been read out, the two parties agreed as follows:

1. Texts and treaties should be relied on primarily, including decree No. 153 of 12 November 1937 and decree No.27 L.R. of 4 February 1935.

2. In the absence of texts and where there is no agreement, and in clarification of the third paragraph of the second article of decree No. 318 of 31 August 1920, which relates to the border area and which states,

" ... to the east, the summit line that separates Wadi Khalid from the valley of the Asi River (Nahr al-Asi) and passes by the villages of Mazra'at Harnana, Hayt, Abah and Faysan and over the heights of the villages of Brita and Matariyah. This line follows the northern boundaries of the district of Ba'labakk (Baalbek) towards the north-west and the south-east and then the eastern boundaries of the districts of Ba'labakk (Baalbek), the Biq'a (Bekaa), Rashayya and Hasbayya",

the two sides agreed to regard the cadastral survey boundaries of the aforesaid villages as the international boundary for this region.

3. The two parties agreed that the technical committee would resume its meetings on 28 February 1964.

4. The two parties agreed that the next meeting of the General Commission would convene in Damascus at 10 a.m. on 16 March 1964.

Beirut, 27 February 1964

For the Syrian side
(*Signed*) [*Illegible*]

For the Lebanese side
(*Signed*) [*Illegible*]

The cadastral survey boundaries are the international boundaries, and this means the properties surveyed by the Lebanese Republic. The same applies to the Shab'a farmlands in the above-mentioned Hasbayya district, in accordance with the sample property deeds annexed to the memorandum.

Minutes of joint technical committee meeting No. 3, held in Beirut on 20 and 21 February 1967

The two sides, Lebanon and Syria, met at the office of the Governor of the Bekaa in Zahlah on 20 February 1967 and at the office of the director for geographical questions on 21 February 1967. It did so on the basis of the minutes of the previous meeting of the joint technical committee, that held in Damascus on 13 and 14 February 1967, and of past records, particularly the minutes (No.6) dated 15 May 1964.

Following a discussion, agreement was reached as follows:

1. In areas that have not been delimited, or where delimitation and recording have not been completed, the international boundaries shall be the administrative boundaries of the villages in question. Should any dispute arise, the matter shall be referred to the General Commission through the joint executive committee on the basis of the provisions set forth under item III in the minutes dated 14 February 1967.

2. The Syrian side requested copies of the dossier on the work of the joint mixed commission under the terms of the High Commissioner's letter dated 9 November 1937, and the Lebanese side undertook to respond to the request at the meeting of the General Commission to be held in Beirut on 1 March 1967.

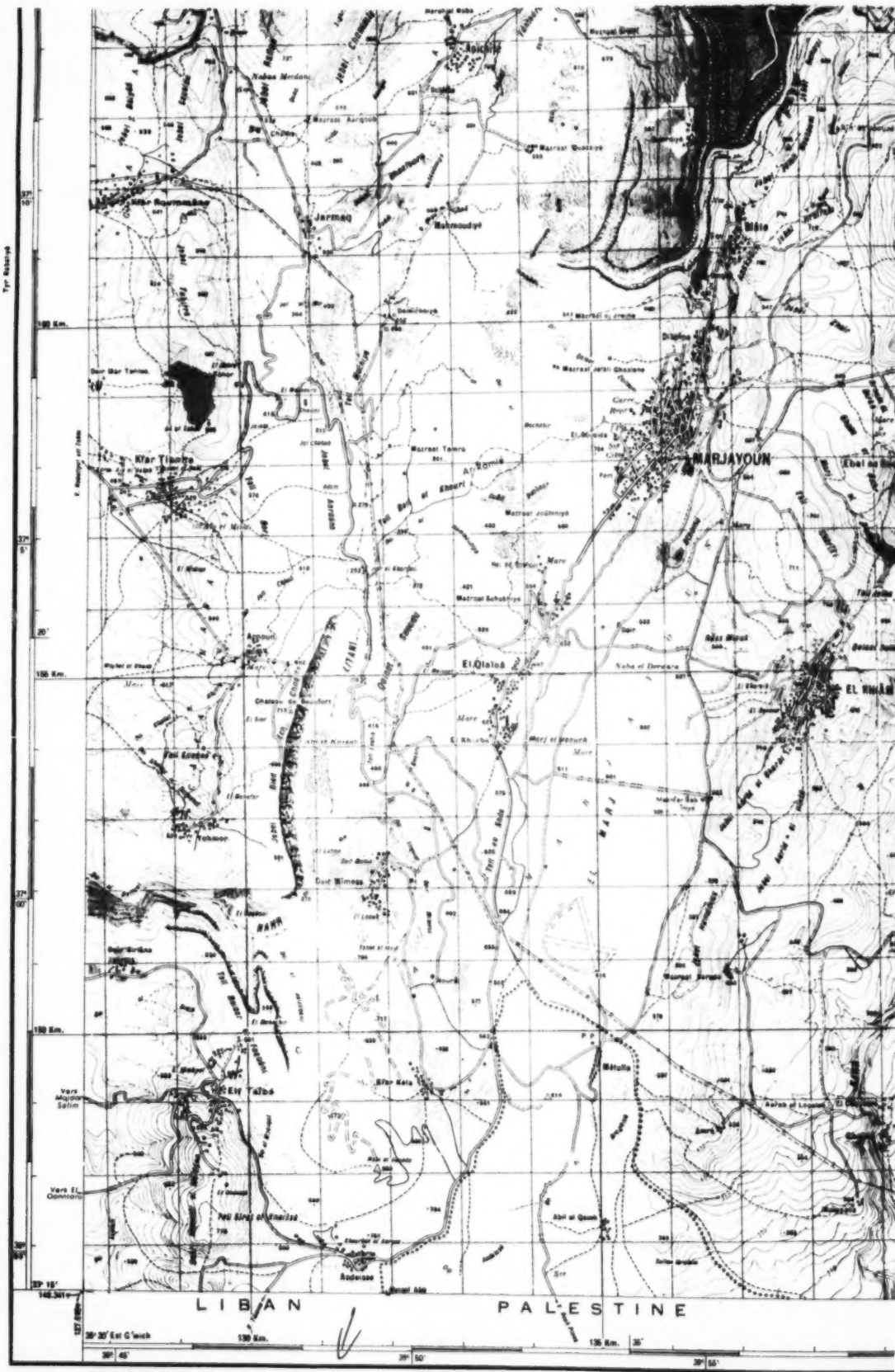
3. The attached report was drawn up, conveying the substance of the technical committee's meetings and its proposals from 25 January 1967 to date, for submission to the General Commission before it meets in Beirut on 1 March 1967.

Zahlah, 21 February 1967

For the Syrian side
(*Signed*) Ahmad **Abbarah**
Engineer

For the Lebanese side
(*Signed*) Georges **Sarufim**
Governor

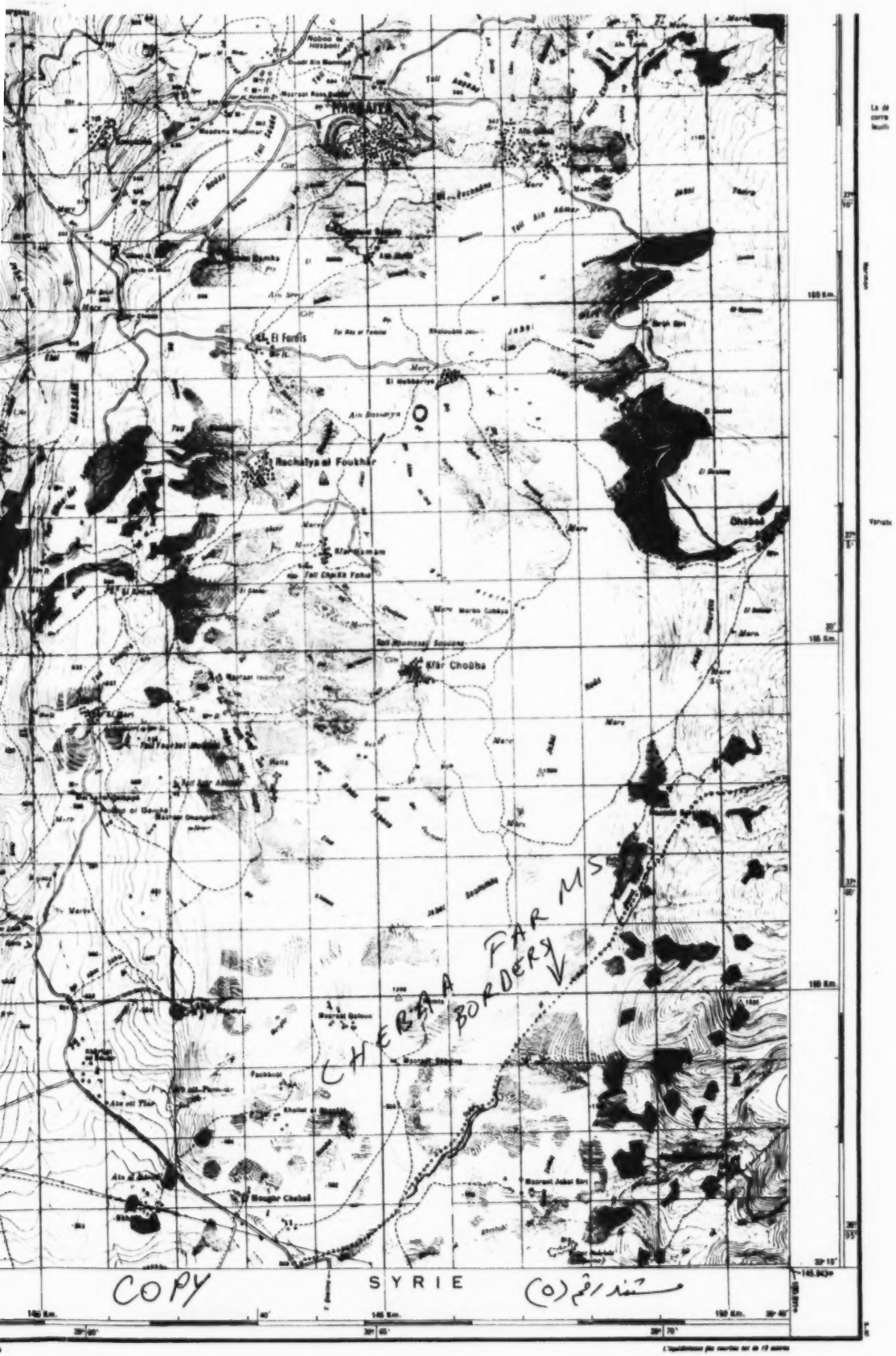
The international boundaries are the administrative boundaries of the villages, that is to say the boundaries of the landed properties belonging to the villages as surveyed by the Lebanese Republic.



REIMPRIMÉ PAR LA DIRECTION DES AFFAIRES GÉOGRAPHIQUES EN 1966
RÉVISION PARTIELLE

Route de 1ère classe
Route de 2e classe
Eglise _ Chapelle _ Croix
Minaret _ Koubba _ Marabout

Projection conique conform
Ellipsoïde de Clarke
Nivellement rattaché au réseau
Origine de la projection et du quadrillage : Lat. 34°30'(38°5) N


Rachalya el Foukhar
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SYRIE

United Nations A/54/870/Add.1–S/2000/443/Add.1

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Security Council
Fifty-fifth year

Letter dated 19 May 2000 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter addressed to you by Salim El-Hoss, President of the Council of Ministers of the Republic of Lebanon, which I have been requested to forward to you (see annex).

The enclosed letter is being sent pursuant to the three letters previously forwarded on the subject of the Shebaa Farms.

I further have the honour to kindly request that the enclosed letter be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council, as an addendum to document A/54/870/S/2000/433.

(*Signed*) Selim **Tadmoury**
Ambassador
Permanent Representative

00-43978 (E) 230500

Annex to the letter dated 19 May 2000 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

[Original: Arabic]

Beirut, 19 May 2000

Further to our memorandum dated 12 May 2000 and our letter dated 15 May 2000 addressed to you, both concerning Lebanon's position with respect to the Shab'a farmlands, we are transmitting to you herewith the following supplementary documents:

1. A minute by the Lebanese Ministry of Foreign Affairs dealing with the issue of the Shab'a farmlands and citing excerpts from the report (No. 605 of 12 September 1961) of the Lebanese-Syrian special commission that considered the situation along the Lebanese-Syrian boundaries at a meeting held in Quneitrah on 8 September 1961.

2. A communication from the Lebanese Republic's Financial Directorate dated 15 November 1946 reproducing the text of Syrian Ministry of Foreign Affairs note verbale No. 574 (124) 53 of 29 September 1946 addressed to the Lebanese Ministry of Foreign Affairs, to which reference is made in Lebanon's memorandum dated 12 May 2000 addressed to you.

3. Note verbale No. Q 72 (53/325) dated 29 January 1947 from the Syrian Ministry of Foreign Affairs addressed to the Lebanese Ministry of Foreign Affairs providing clarifications from the Syrian Government with regard to a survey of certain Lebanese farmlands in Shab'a.

4. A letter dated 7 March 1947 transmitting a copy of the aforesaid Syrian note verbale from the Lebanese Minister for Foreign Affairs to the Lebanese Minister of Finance and, on 12 March 1947, from him to the Lebanese Land Registration Services for their information.

The above conveys the confirmation of the Syrian Ministry of Foreign Affairs to the Lebanese Ministry of Foreign Affairs that the farmlands in question are Lebanese, that the placement of some triangulation markers inside Lebanese territory bears no relation to the delimitation of the international boundaries and that the establishment of the inter-country triangulation network was a purely technical operation that had not been carried out with the intention of modifying the boundaries or incorporating the Shab'a farmlands into Syrian territory.

5. Memorandum No. 281 dated 3 April 1944 from the Director for Land Registration Services addressed to the magistrate for land issues and Lebanese delegate to the boundary commission objecting to the fact that teams from the Survey of Syria had surveyed the Mughr al-Shaba'inah area belonging to the Lebanese village of Shab'a.

6. Memorandum No. 1503 dated 27 September 1946 from the Director for Land Registration Services in Lebanon concerning the boundaries of Shab'a and its dependent farmlands and their inclusion in a cadastral survey by teams from the Survey of Syria.

We draw your attention to the fact that all of these objections were raised in the 1940s and that the work of the joint boundary commissions in the 1960s (the

subject of documents previously submitted) led to a definitive agreement that the Shab'a farmlands within their cadastral boundaries regarded as international should be considered as Lebanese.

(*Signed*) Sélim **El-Hoss**
Prime Minister
Minister for Foreign Affairs

Document No. 1

Lebanese Republic

Ministry of Foreign and Emigrant Affairs

Subject: The issue of the Shab'a farmlands

On 10 October 1961 there arrived from the Ministry of Foreign Affairs the report (No. 605 of 12 September 1961) of the Lebanese-Syrian special commission that considered the situation along the Lebanese-Syrian boundaries at a meeting held in Quneitrah on 8 September 1961 following the modifications made and the differences that had arisen between the inhabitants of Shab'a and the Syrian security forces. In the report drawn up by the commission, it is stated that the discussion dealt with the issue of the following Shab'a farmsteads: Zibdin, Fashkul, Qaraf, Rab'ah, Kafr Durah, Marah al-Malul, Jarat Qafwah, Khallat al-Ghazal, Ramta, Bayt al-Buraq, Barakhta and Jawzat al-Aqarib. All of their inhabitants are Lebanese, and they are owned by Lebanese. They were included inside Syrian territory because of a mistake made in printing the map used by the Syrian side as a basis for discussion.

The two magistrates for land issues, Mr. Adnan al-Khatib (Syria) and Mr. Rafiq al-Ghazzawi (Lebanon), who were entrusted with the delimitation of the boundaries, also stated in their reports that the farmlands fell inside Lebanese territory. It should be recalled that in its note No. 2733/S of 9 August 1948, the Ministry of Foreign and Emigrant Affairs had indicated that commission I for delimitation and drafting in the Golan (Quneitrah District) had included a number of farmsteads belonging to the Lebanese village of Shab'a within the purview of its work. The Ministry had protested against the fact that the commission had communicated directly with the *mukhtar* of the village, and it had drawn the attention of the Syrian authorities to the fact that the terms of article 10 of decision No. 186 of 15 March 1926 did not permit the commission to include Lebanese farmsteads within the purview of its work.

The Syrian Ministry of Foreign Affairs responded to the Lebanese note by saying that the commission's action had been "a purely technical operation that had not been carried out with the intention of modifying the boundaries or incorporating farmlands, but it is something both countries need and produces no legal effect" (Syrian Foreign Ministry note No. Q 574 (53/124) of 29 September 1946).

Document No. 2

Lebanese Republic

Financial Directorate

No.: 574 (124) 53

29 September 1946

Issues of delimitation and drafting

The Syrian Ministry of Foreign Affairs presents its compliments to the Lebanese Ministry of Foreign Affairs and, with reference to the Ministry's letter No. 2723/S of 13 August 1946 concerning the work of commission I for delimitation and drafting in the Golan (from Quneitrah District), has the honour to communicate to the Ministry of the information conveyed to it by the competent services to the effect that the dispute that had existed concerning the boundaries of the Lebanese village of Shab'a and the Syrian village of Mughr al-Shab'ah was settled some time ago but that the Syrian triangulation team had placed markers inside Lebanese territory in order to connect up the inter-country triangulation network. This was a purely technical operation that had not been carried out with the intention of modifying the boundaries or incorporating farmlands, but it is something both countries need and produces no legal effect. The leader of the team in question had addressed a letter to the *mukhtar* of Shab'a requesting him to protect the markers because the inhabitants had removed some of them in the belief that they were related to the boundaries. The magistrate for land issues who is examining boundary questions has written to his Lebanese counterpart and requested him to inform the inhabitants accordingly, and he says that he has done so.

The Syrian Ministry of Foreign Affairs hopes that this will suffice to justify the actions of the demarcation and drafting commission in the Golan region, an explanation that it is unable to communicate directly to the Shab'a village *mukhtar*, and it takes this opportunity to convey the assurances of its highest consideration.

Ministry of Foreign Affairs
Beirut

Copy to be transmitted to the Director, Land Registration Services, further to our referral No. 8224 dated 13 June 1946, for information and comment. With respect.

[*Stamp*]
[*Illegible*]
Date: 18 November 1946
No.: 2438

Beirut, 15 November 1946
(*Signed*) [*Illegible*]
Minister of Finance

Document No. 3

Q 72 (53/325)

29 January 1947

Survey of certain farmlands

The Syrian Ministry of Foreign Affairs presents its compliments to the Lebanese Ministry of Foreign Affairs and, in reply to its note No. 6979 dated 10 December 1946 concerning the survey of certain Lebanese farmlands as part of Syrian territory, has the honour to inform the Ministry that the magistrate for land issues in Damascus has replied to the effect that the markers placed inside Lebanese territory are no more than triangulation points, that they bear no relation whatever to the delimitation of the international boundaries and that their presence is necessary from the technical point of view for survey purposes. Indeed, Lebanese survey teams have also placed such markers inside Syrian territory.

The Syrian Ministry of Foreign Affairs, having transmitted to its esteemed counterpart the answer received from the services concerned, takes this opportunity to convey to it the assurances of its highest consideration.

Ministry of Foreign Affairs
Beirut

[*Stamp*]
[*Illegible*]

Document No. 4

Lebanese Republic

Ministry of Foreign Affairs

Consular Section

No.: 1165/Q

Subject: Survey of certain Lebanese farmlands as part of Syrian territory

To: His Excellency the Minister of Finance

Sir,

With regard to your referral No. M/17259 dated 19 November 1946, namely letter No. 1714 dated 11 November 1946 from the Director for Land Registration Services, I have the honour to transmit to you herewith a copy of Syrian Ministry of Foreign Affairs letter No. Q 72 (53/325) of 29 January 1947 concerning the survey of certain Lebanese farmlands as part of Syrian territory.

Accept, Sir, the assurances of my highest consideration.

Beirut, 7 March 1947

For the Minister for Foreign and Emigrant Affairs:

Signature: [Blank]

Copy to be transmitted to the Director, Land Registration Services, further to your letter No. 1714 of 11 November 1946, together with a copy of the aforesaid letter from the Syrian Ministry of Foreign Affairs. With regards.

[*Stamp*]
[*Illegible*]
Date: 13 March 1947
No.: 1181

Beirut, 17 [?] March 1947
(*Signed*) [*Illegible*]
Acting Minister of Finance

Document No. 5

Lebanese Republic

Land Registration Services

Beirut, 3 April 1944 No.: 281

Memorandum

To: His Honour Mr. Rafiq Bey al-Ghazzawi, magistrate for land issues and Lebanese delegate to the boundary commission

Sir,

Further to our referral No. 1010 dated 17 March 1944, we transmit to you herewith a report dated 30 March 1944 from His Honour the District Officer for Marj Uyun indicating that the Syrian delimitation and drafting commission is engaged in delimiting the Mughr al-Shaba`inah locality, which belongs to the Lebanese village of Shab`a, and that it is about to complete its work. In view of the importance of that work and the serious incidents to which it could give rise between the inhabitants of Shab`a and those of the neighbouring Syrian villages, I request you to contact your colleague the Syrian delegate immediately with a view to convening an urgent meeting to consider the issue and secure a result that will ensure the rights of the Lebanese property owners and to inform us of the outcome. With regards.

[*Illegible handwritten note*] (*Signed*) [*Illegible*]
Director for Land Registration Services

Document No. 5 indicates that the Lebanese Land Registration Services raised an objection with the Lebanese magistrate for land issues, the Lebanese delegate to the commission on the boundaries with Syria, to the effect that teams from the Survey of Syria had surveyed the Mughr al-Shaba`inah area belonging to the Lebanese village of Shab`a. The above memorandum is dated 3 April 1944.

Document No. 6

Lebanese Republic

No.: 1503

To: His Honour the supernumerary magistrate for land issues

From time to time we receive communications from the directors of land registration offices in areas located along the Lebanese-Syrian boundaries complaining that the delimitation teams working inside Syrian territory and along the Lebanese boundaries are also delimiting certain Lebanese villages or plots of land as belonging to Syria. In order to avoid such complications, which may give rise to serious problems between the two countries, we deem it appropriate in connection with the issue of [*illegible*] the farmlands [*illegible*] to draw your attention to the procedure that must be followed in connection with this issue.

The boundaries separating Lebanon and Syria must be established with the participation of the delegates of the Syrian Government and with the assistance of the chief of the office of the Assistant Officer for Marj Uyun and the chief of technical survey operations and in accordance with the general map of Lebanon, establishing the boundaries between the two countries. They should be guided by the provisions of the treaty of good-neighbourliness and the map annexed thereto and by any document that may help to eliminate ambiguity in the delimitation of the boundaries.

Accordingly, the Syrian delimitation teams will be provided with a copy of the decision taken in this regard so that they may endeavour to implement it.

Received on 25 [*illegible*] 1946
No.: 753

Beirut, 27 September 1946

(*Signed*) [*Illegible*]
Director for Land Registration Services

Document No. 6, dated 27 September 1946, is from the Director for Land Registration services in Lebanon and concerns the boundaries of Shab`a and its farmlands in connection with the fact that teams from the Survey of Syria had included them in a cadastral survey. It should be noted that all of these objections were raised in the 1940s and that the work of the joint boundary commissions in the 1960s (the subject of documents previously submitted) led to a definitive agreement that the Shab`a farmlands within their cadastral boundaries regarded as international should be considered as Lebanese.